

THE
MISCELLANEOUS
WORKS
OF

Mr. J. J. ROUSSEAU.

VOLUME IV.



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LETTERS written from the MOUNTAINS.

VOL. IV. contains

Letters written from the 1st of 1848

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ADVERTISEMENT.

I AM sensible it is now out of season to take up a subject, which hath already been too much agitated, and is almost forgotten. My present state of health, which does not permit me to engage in a work of any length, and my aversion to polemical disputes, have hitherto prevented my writing, and caused my reluctance to publish. I should even have suppressed these Letters entirely, or rather I should never have written them, did they relate only to myself. But my country is not become so indifferent to me, as to permit me tranquilly to see her citizens oppressed; especially when they suffer oppression for having interested themselves in my behalf. I should be the most contemptible of mankind, if, on such an occasion, I should be influenced by a sentiment, which would be neither candour nor patience, but weakness and cowardice in him whom it should prevent from discharging his duty.

Nothing, I confess, can be less important to the publick than the subject of the following Letters. The constitution of a petty republick, the fate of a private person, the exposing of a few acts of injustice, the refutation of a few sophisms; all this has in itself nothing considerable enough to merit the attention of the majority of readers. But if my subjects are insignificant, the objects I have in view, are great, and well worth the attention of every honest man. Geneva may be what it will, and Rousseau may support his state of depression as he can; but the cause of religion, of liberty, and of justice! Reader, whoever thou art, these are objects by no means undeserving your notice.

It must not be expected that the dryness of the subject is compensated for, in these Letters, by the graces of style. The criticks, who have been formerly so highly offended by some lucky strokes of my pen, will here find sufficient reason to be satisfied. The honour of defending oppressed innocence would have warmed my heart had I written in behalf of another; but reduced to the melancholy task of defending myself, it was necessary for me to confine myself to simple argument. To have displayed any heat in my own cause, would only have been debasing myself. In this I shall doubtless find favour in the eyes of those, who imagine it essential to the truth, that it should be spoken with coldness and indifference: an opinion, however, for which I cannot see a sufficient reason. When we are animated by a lively persuasion of the truth of a thing, how is it possible to express it in the frigid language of insensibility? When Archimedes ran naked through the streets of Syracuse, transported with his famous discovery, was that discovery less true because he was so enraptured with it? Quite the contrary.

He who is favoured with the sight of truth cannot fail to admire her beauties; and it is certain, that those who remain indifferent about her, have never beheld her charms.

Be this, however, as it may, I desire my readers to set aside all considerations of style, and to examine only the validity of my arguments. For, after all, I do not see the justice of concluding, that, because a writer expresses his sentiments in good language, he does not know what he says.

LETTERS

LETTERS

WRITTEN FROM

THE MOUNTAINS.

LETTER THE FIRST.

NO, Sir, I cannot blame you for not joining with those Remonstrators, who publickly espoused my cause.

I was, indeed, so far from approving their proceedings, that I prevailed on my own relations to desist. My advocates were silent when they should have spoken, and have spoken when they should have remained silent. I foresaw the inutility of their remonstrances, as well as the consequences of them : I apprehended their inevitable effects must either disturb the publick tranquillity, or alter the constitution of the state. The event hath too fully justified these apprehensions ; and you see yourselves reduced to the alternative I feared. The present crisis of your affairs requires you to enter into deliberations of which I am no longer the object. From what has been already

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done, you ask me what you ought to do : you consider that the effect of these proceedings, being relative to the whole body of citizens, will no less affect those who were in no wise personally concerned in them, than such as were. Hence, whatever might be their different opinion about them at first, their common interest ought now to unite them. Your rights and privileges being attacked, must remain no longer in doubt : they must either be acknowledged or annulled ; their very evidence putting them in danger. It is by no means proper to face the lightning during the storm, but at present the fire is absolutely set to the house.

Although my particular interests are no longer concerned, my honour necessarily makes me a party in this affair. This you know, and yet ask my advice as a neutral person ; you conceive that I shall not be blinded by prejudice, nor be unjust through partiality. I hope so too ; but in such delicate circumstances, how difficult is it to answer for one's self. I perceive it is impossible to forget myself in treating of a quarrel, of which I myself am the subject, and my particular misfortunes were the original cause. What then shall I do, sir, to answer your confidence, and to justify your esteem for me, as far as it is possible ? It is this. In a just diffidence of myself, I shall rather lay down my reasons than give you my advice. Do you weigh them, compare and judge for yourself. Do even more : Be always distrustful, not of my intentions : these, God knows, are pure ; but of my judgment. The
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most upright man in the world, when he is personally injured, seldom sees things in their true light. You may be assured I would not deceive you, but I may possibly deceive myself: this I am liable to, in every thing, and in this case more likely than in any other. Be therefore on your guard, and unless I give you ten reasons admit but of one.

Such, sir, is the precaution you ought to take on your side; and the following is what I will take on my own. I shall begin by speaking to you of myself, of my grievances, and of the severe proceedings of your magistrates against me. When I have once done this, my heart will be more at ease, I shall have unburthened it of a weight, which I shall then forget, with every thing relative to myself. I will then speak to you of your own situation; that is to say, that of the Republic. And I think I shall not be too presumptuous, in hoping, by means of this arrangement, to discuss equitably the question you propose to me.

I have been insulted in a manner by so much the more cruel, as I flattered myself to have some merit with respect to my country. If my conduct stood in need of any favour, I had reason to hope it would have been granted me. And yet my books have been precipitately condemned, without examination, without citation, and with an officiousness of zeal beyond example. Nay, more, a decree hath been issued against my person with the like zeal and precipitation, without regard to my misfortunes, my situation, my health; without shewing me the same regard as is had even for com-

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mon felons. Nor have my persecutors been more just than indulgent, as I shall endeavour to shew you. Pray, be not frightened at the length, to which I shall be obliged to extend these letters. Such a multiplicity of subjects present themselves, that I would willingly be as sparing of words as possible: but, do what we can, sir, it is impossible to reason without them.

Let us begin by collecting the motives which have been given for this proceeding; not those contained in the Request, or in the Arret, carried on in secret, and resting concealed in darkness*; but those contained in the answers of the Council to the remonstrances of the citizens and inhabitants, or rather in the Letters written from the Country; a work which serves as the manifesto of my persecutors, and in which alone they condescend to offer any reason for their proceedings.

“ My books, say they, are impious and scandalous, full of blasphemies and calumnies against religion. Under the appearance of doubts, the author hath collected together every thing that may tend to sap, subvert, and de-

* My relations desired, by formal petition, a copy of the said Arret. The answer to their Request was as follows:

June 25, 1762. Council in ordinary, regarding the matter of the present Petition; Ordered that there is no occasion to favour the petitioners, in the matter of their Request. LULLIN.

The Arret of the Parliament of Paris was printed as soon as passed. Can we conceive that to be a free state, in which such decrees against the reputation and freedom of its citizens are thus concealed?

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stroy the revealed principles of the Christian religion.

“ They directly attack all civil government.

“ They are by so much the more dangerous and reprehensible, in that they are written in French, in the most seductive style, and appear under the name and quality of a Citizen of Geneva ; and in that, according to the intention of the author, his *Emilius* is to serve as a guide to parents and preceptors in the education of youth.

“ In condemning these books, it was impossible for the council not to take some notice of the person who was presumed to be the author.”

With regard to the decree issued against me, “ it is not, say they, either a judgment or a sentence, but only a simple provisional appointment, which leaves entirely to themselves my exceptions and defence ; and which in the case foreseen serves as preparatory to the proceedings prescribed by the edicts and by the ecclesiastical ordinances.”

To this the Remonstrators, without entering into an examination of the pretence, objected, “ that the Council had proceeded to judgment without having observed the requisite preliminary formalities ; that the article LXXXVIII of the Ecclesiastical Ordinances was violated by such judgment : that the proceedings carried on in 1562, against John Morelli, clearly proved the legal custom, and afforded a precedent which they ought not to have neglected : that this new method of proceeding was even contrary to that rule of natural law, which is

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adopted by all nations ; and according to which no person can be condemned without being heard in his own defence : that it is impossible to censure a book without censuring the author whose name it bears : that no one can tell what exceptions and defence an author may have to make, who is declared impious, blasphemous, and scandalous in his writings, and after sentence passed and executed on the same writings ; for as paper and print are not susceptible of infamy, that which results from the burning of a book by the hands of the common hangman must necessarily rebound on its author. From all which it follows, that a citizen cannot lawfully be divested of what is most dear and valuable to him, his honour ; that he cannot be lawfully deprived of his reputation or his fortune, without being first heard in defence of himself : that the works thus condemned and stigmatized, merit at least as much countenance and toleration as many other writings, containing severe satires on religion ; and which have nevertheless been dispersed and even printed in the same city : that, finally, with respect to civil government, it hath always been permitted in Geneva, to reason freely on matters of government in general ; that no book of the kind hath ever been prohibited, nor any author punished for having treated this subject, whatever may have been his sentiments concerning it ; and that, so far from attacking the government of the Genevan Republick in particular, I have never let slip an opportunity of bestowing commendation on it."

To

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To these objections it was answered, on the part of the Council, "that the condemnation of a book, after its being read and sufficiently examined, is not a breach of that rule which requires no one to be condemned unheard: that article LXXXVIII of the Ordinances is applicable only to men who broach particular tenets, and not to a book destructive of the Christian religion in general: that it is not true that the censure of a book necessarily includes that of the author, who may perhaps have only been incapable or imprudent; that with regard to the toleration, or printing, of scandalous writings in Geneva, it is not reasonable to pretend, that, because a government may have sometimes neglected these things, it should always do so: that besides, those books which only turn religion into ridicule, are not near so dangerous as those which openly attack it by argument. That, in fine, what the Council owes to the support of the Christian religion in its genuine purity, to the public good, to the laws, and to the honour of government, having induced it to pass the sentence in question; the same motives do not permit them either to change or mitigate it.

These are not all the reasons, objections, and answers, which have been alledged on both sides; but they are the principal, and suffice to establish, with regard to myself, both the matter of fact and of right.

As the object, however, thus represented, may appear as yet a little vague and uncertain, I will endeavour to lay it down with greater precision, lest you should place my defence to

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that part of it, on which I would by no means rely.

I am a man and have written books ; I have, of course, therefore, fallen into many errors*. I am myself able to perceive a considerable number ; I doubt not also that others see many more, and that there are still many besides, which are neither seen by myself nor by others. If nothing more had been said against me than this, I should readily subscribe to it. But where is the author who is not, or can flatter himself he is not, in the same circumstances ? On this head there is no room for dispute. If I am answered, and my answerer be in the right, I kiss the rod of correction, and am silent. If I am answered, and the answerer be in the wrong, I am still silent. Am I to account for the mistakes of others ? In every state of the case, the publick, after having heard both parties, is the judge ; let that pronounce sentence ; according to which the book will live or die, and the process is at an end.

The errors of writers are often very indifferent ; but there are also some that are hurtful, even contrary to the intention of the person who commits them. A man may sometimes be mistaken, to the prejudice of the publick

* I will except, if you will, books of Geometry and their authors. And yet, tho' there may be no errors in the propositions themselves, who will assure us there is none in the order of deduction, in the choice of materials or method ? Euclid demonstrates and attains his end ; but what a way does he take ? How does he not wander in his route ? In vain may the Science be infallible, while it is cultivated by fallible man it will be subject to error.

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as well as himself; one may sometimes do injury to others very innocently. Our controversies on subjects of jurisprudence, morality, and religion, fall frequently under this predicament. One of the disputants must necessarily be in an error, and an error in a matter of great importance becomes always a fault; tho' it be not punishable when it is presumed to be involuntary. A man is not blameable for doing another an injury by endeavouring to serve him: and if an author is to suffer a criminal prosecution for faults of ignorance or inadvertency; or for the pernicious maxims which may be drawn from his writings, contrary to his intentions; what writer would be secure from such prosecutions? A man ought to be inspired by the Holy Ghost, before he commences author, and his readers ought to be inspired also, to enable them to judge of his writings.

If such faults only as these were imputed to me, I should defend myself no otherwise than as against the imputation of simple errors. I cannot deny that I have committed such errors, because I am no angel: but then the faults said to be found in my writings, may in reality not be in them; because those who pretend to discover them are no more angels than myself. Being mere men, and, like me, subject to error, on what authority do they pretend their judgment is to govern mine, and that I ought to be punished, because I do not think just as they do.

The public is the only judge of faults of this kind; and its censure is their only lawful punishment. From the jurisdiction of this court

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none ought, and with regard to myself I shall not presume, to appeal. It is true, if the magistrate should conceive such errors hurtful to society, he may prohibit the dispersion of the book containing them: but I again repeat it, he ought not to punish the writer, who may have been guilty of them; as this would be to punish him for a fault that may possibly be involuntary, and the design only of an evil action is what merits punishment. So that this hath nothing to do in the present case.

There is a wide difference, however, between a book which contains hurtful errors and a book absolutely pernicious. A system of established principles, a continued chain of argument, and consequences formally deduced, plainly manifest the design of the author; and this intention, being dependent on the will, comes under the jurisdiction of the laws. If this intention is evidently bad, it is no longer an error, or involuntary fault; it is a wilful crime; and the nature of the case is totally changed. The question is no longer about a mere literary dispute, which the publick will of course decide properly; but of a criminal proceeding, which ought to come before the civil tribunals, and be treated according to the rigour of the law. Such is the critical situation in which I am placed by the magistrates, who say they have acted justly, and by zealous writers, who pretend they have acted with too much clemency. No sooner do they threaten me with imprisonment and punishments, than every person who accuses me becomes an informer; he knows that he attacks not only the author
but

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but the man, and that what he is writing, may possibly have an influence on my fate *: it is no longer my literary reputation merely that he attacks, but my personal honour, my liberty, my life.

This brings us back, at once, to the state of the present question, which I think the publick have misunderstood. If I have written any thing justly reprehensible, let me be censured; let my book be suppressed. But I should have done more, to give them a right to stigmatize my work, and to proceed against my person; an involuntary fault is not sufficient; I should have been found guilty of a wilful crime: it should have been proved that I had written a pernicious book, with a bad design: and this not in the manner in which one author proves that another is mistaken, but as an accuser

* On the first appearance of a celebrated performance, some years ago, I resolved to attack the principles contained in it, because I thought them dangerous to the community. I had just finished my remarks when I learned that the author was under legal prosecution: on which I threw my performance into the fire, concluding, that no moral obligation could justify the meanness of joining the cry of the multitude to oppress a man of probity. When the storm was blown over, however, I took an opportunity of publishing my sentiments on the same subject, in other writings: but I have done this without mentioning either the author or his book. This respect I thought due to the author's misfortunes, as much as to the esteem I ever had for his person. Not that I conceive this way of thinking peculiar to myself: it is doubtless common to all persons of honour and worth. When an affair is treated as criminal, they ought to be silent; at least unless they are called upon as legal witnesses.

ought to convict the accused in the presence of a legal tribunal. Before I had been treated as a malefactor, I ought to have been convicted of being such. This is the first point that should have come under examination. The second point, supposing the fact proved, should have been to ascertain the nature of it, the place where it was committed, the tribunal which ought to judge of it, the law that condemns it, and the punishment inflicted. These two questions once resolved, would decide whether I have been treated justly or not.

To know whether I have written pernicious books, it is necessary to examine the principles contained in them, and to enquire what would be the consequence if such principles were admitted. As I have treated a variety of matters, I shall confine myself to those, on account of which I am prosecuted; to wit, Religion and Government. To begin with the first, after the example of my judges, who have not as yet explained themselves with regard to the second.

In Emilius, I have inserted the profession of faith of a Roman Catholic Priest, and in Eloïsa, that of a female devotée. These two pieces are so consistent, that the one may be explained by the other; from which consistency it may with great probability be presumed, that if the author of the books containing them doth not absolutely adopt every particular of both, he is at least strongly inclined that way. Of these two professions of faith, the first being the most extensive, and that only which hath afforded the

the grounds of my prosecution, comes naturally first under consideration.

To answer the purpose of such an enquiry, another explanation is necessary. For it is to be remarked, that, to explain and distinguish the propositions which perplex and confound my accusers, is in fact to answer them. As they dispute against the force of evidence, when the question is properly stated they are of course refuted.

I distinguish two parts in religion, besides the form of worship, which is merely ceremonial. These two parts are faith and morals. I again divide the matter of faith into two parts; viz. that which, laying down the principles of our duty, serves as the foundation of practical morality; and that which, being purely the object of belief, contains only such tenets as are merely speculative.

From this division, which seems to me an accurate one, results that of religious sentiments; on the one hand, true, false, or doubtful; and on the other, good, bad, or indifferent.

It belongs to reason alone to pass judgment on the former; and if the divines have claimed this office, it is in quality of reasoners, of professors of a science by which we arrive at the knowledge of what is true or false in matters of faith. If an error in this part of religion be hurtful, it is only so to the person who lies under such error, and is prejudicial only with respect to the world to come, and lies not within the jurisdiction of any human tribunal. If they at any time take cognizance of such matters,
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it is not as judges of what is true or false, but as ministers of the civil law, appointed to regulate the external forms of religious worship. But of this hereafter. As to that part of religion which relates to morality, that is to say, to justice, the publick good, obedience to natural and positive laws, the social virtues, and all the duties of the man and the citizen; this comes within the cognizance of government. It is, indeed, with respect to this particular alone that religion enters directly into its jurisdiction; and from this, civil government ought to banish, not error, for of that it is no judge, but every pernicious sentiment that tends to the breach of the social tie.

These, sir, are the distinctions you are to make, in order to judge of the performance in question; a performance, canvassed by a tribunal, not of priests but of magistrates. I confess it is not altogether affirmative; but contains both objections and doubts. We will even admit, what is not true, that these doubts are negative. It is, nevertheless, for the most part, affirmative; it is in particular affirmative and demonstrative regarding all the fundamental points of political religion: it is also so very decisive with respect to every thing relative to divine providence, brotherly love, justice, peace, the happiness of mankind, the laws of society, and to all the virtues, that even all the objections and doubts which are started, still tend to their advantage: and I defy any one to shew, that I have attacked a single point of doctrine, which I do not prove to be pernicious to mankind,

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kind, either in itself or in its unavoidable effects.

Religion is useful and even necessary to the well-being of mankind. Is not this proposition affirmed, maintained, and proved throughout the whole piece? So far is the author from controverting the true principles of religion, that he illustrates and confirms them to the utmost of his power. What he opposes, and what he ought to oppose, is the blindness of fanaticism, the cruelty of superstition, and the absurdity of prejudice. It is said, indeed, that we ought to respect all these things. But I ask, why? Because, truly, it is by these things mankind are influenced. Yes, it is by these they are influenced to their ruin. Superstition is the most dreadful scourge of human kind. It brutalizes the ignorant, persecutes the learned, and enslaves the populace; it is productive, in fine, of innumerable evils. And what good results from it? None. If it be of any use, it is to tyrants; in whose hands it is a favourite sword of destruction; and this is, in fact, its greatest abuse.

It is said, that in attacking superstition I endeavour to destroy religion itself. But how do they know this? Why do they thus confound two causes, which I take so much pains to distinguish? How comes it they do not see that this imputation is reflected on themselves, with all its force; the greatest enemies to religion being in fact the defenders of superstition? It would be very cruel, if it were so easy to render the intention of a writer criminal, and so difficult to exculpate him. The very circumstance,

cumstance, indeed, of its not being proved bad, ought to be a presumption in favour of its being good. Otherwise, who would be secure from the arbitrary condemnation of his enemies? What! shall their simple assertions be taken for proofs of what it is impossible for them to know? and shall my asseverations, joined to the testimony of my whole conduct, not be thought sufficient to authenticate my own sentiments? By what other means is it possible for me to make them known? I confess it is impossible for me to display all the good intentions I feel in my heart; but where is the abominable wretch that pretends to see in it evil designs which never harboured there?

The more criminal it be to propagate irreligion, says M. d'Alembert very justly, the more criminal it is to accuse any one unjustly of doing it. Those who judge thus openly of my Christianity, betray only the nature of their own; and the only thing they have proved, is, that certainly they and I are not of the same religion. This is the very circumstance that irritates them; the pretended evil I have said, provoking them less than the good. The merit, which they are forced to acknowledge in my writings, vexes and restrains them; reduced to the necessity of converting it into ill, they perceive they discover too much. How pleased would they be, if they had found much less!

When I am condemned, not on what I have said, but on what it is affirmed I intended to say; when the demerit is sought in my intentions, which is not to be found in my writings, what can I do? They controvert what I have
said,

said, by what they pretend I think; when I said *white*, they affirm I intended to say *black*; thus they put themselves in the place of God, to do the work of the devil. How is it possible for me to secure my head from blows, that are aimed at me from such an eminence?

To prove that the author had no such horrible intention as is imputed to him, I see but one way: this is, to judge by the work itself. I wish, indeed, they would judge in this manner; for my part, I should freely consent to it: but an examination of this nature would ill become me. No, sir, no misfortune, no punishment shall reduce me to so abject an undertaking. I should think I committed an insult on the author, the editor, and even the reader, by entering on a justification, which is the more disgraceful as it is the more easy. It would be to degrade virtue, to attempt to shew it is not criminal. No, read and judge for yourself. The greater your own misfortune, if, during the perusal, your heart is not excited to pour out blessings on the virtuous and resolute man, who is bold enough in such a manner to instruct mankind.

How is it possible, indeed, for me to resolve to enter on a justification of that work; for me who imagined, by means of it, to efface the remembrance of all the faults I ever committed; for me, who place the evils it hath brought on me in compensation for all those of which I have ever been guilty; for me, who am full of confidence to say one day to the supreme Judge of all Things, "Deign, O Lord, in thy mercy, to judge a feeble man; who hath done evil on the

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the face of the earth, but who hath published this writing."

Dear sir, permit my swelling heart now and then to utter a sigh; but be assured I shall not intermix my arguments with declamations or complaints; I shall not even make use of the asperity of my adversaries, but reason always with calmness and serenity. To return, therefore, to my subject.

Let us endeavour to take a middle way, which may be satisfactory to you, without debasing myself. Let us suppose, for a moment, that the religious Creed of the Savoyard Vicar was adopted in some corner of Christendom, and let us see whether the result of it would be good or ill. This is neither to attack nor defend it; but to judge of it from its effects.

At the very first view, I see many new things that have no appearance of novelty; no change in the form of religious worship, but a great change in the heart of the worshipers; conversions without boasting, belief without dispute, zeal without fanaticism, reason without impiety, few articles of faith and many virtues, philosophical toleration and christian charity.

Our proselytes will have two rules of faith to constitute but one, reason and the gospel. The latter will be so much the more stable, as it will be founded only on the first; and by no means on certain facts; which, standing in need of human attestation, reduce religion under the authority of men.

All the difference there would be between them and other Christians, is, that the latter are such as dispute a good deal about the Gospel,

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pel, without troubling themselves to put its precepts in practice; whereas our people would attach themselves entirely to the practice of it, without disputing about its tenets.

When the Christian disputants should say to them, "You call yourselves Christians without being such; for to be Christians it is necessary to believe in Jesus Christ, and you do not believe in him;" our peaceable Christians would answer them thus: "We know not whether we believe in Jesus Christ according to your notions of things, because we do not understand them. But we endeavour to observe the rules he hath prescribed to us. We are both Christians in our way; we in obeying his word, and you in believing in him. Christian charity requires that we should be all brothers, and we obey its dictates in admitting you as such; deprive us not, therefore, of a title which we revere with all our power, and which is as dear to us as to you."

The disputants will, no doubt, persist, "In pretending to be the followers of Jesus, you must say by what title. You obey his word; but what authority do you impute to it? Do you acknowledge a Revelation, or do you deny it? Do you admit the truth of the Gospel entirely, or do you admit only of a part? And on what do you found your distinctions? Mighty pretty Christians, indeed, who traffick with their great Master, and chuse or refuse such parts of his doctrine as happen to please or displease them."

To this the others would thus peaceably reply, "Brethren, we traffick not with the Gospel, for we make not a trade of our faith. You suppose

pose that it depends on us to admit or reject at pleasure ; but this is not true ; our reason is not thus obedient to our will. In vain should we will that, what appears to us false, should appear true ; it would still appear false in spite of our strongest inclinations. All that depends on us is to speak according to our sentiments, or contrary to our sentiments ; and our only crime is, we will not deceive you.

“ We acknowledge the authority of Jesus Christ, because our understanding acquiesces in the truth of his precepts, and discovers to us their sublimity. It tells us, that it is proper for man to follow those precepts, but that the discovery of them was above his comprehension. We admit of a Revelation as derived from the spirit of God, without knowing the manner how, or perplexing ourselves to discover it. Provided we know that God hath spoken to us, it is of little importance to explain the means he hath taken to make himself understood. Thus in acknowledging the divine authority of the Gospel, we believe Jesus Christ invested with the like authority. We acknowledge a virtue more than human in his conduct, and a sagacity more than human in his doctrines. All this appears to us very plain. If you ask in what manner it is effected. This is not so very plain, but surpasses our apprehensions. If it does not surpass yours, so much the better for you ; we felicitate you on the occasion with all our hearts. Your understandings are superior to ours ; but it does not thence follow, that we are to be governed by them. We consent that you should know every thing ;
permit

permit us only to be ignorant of something.

“You ask, if we admit the whole of the Gospel? we admit of all the tokens which Jesus Christ hath given; the utility, the necessity of the greater part of these tokens, affect us, and we endeavour to conform to them. Some of them are above our comprehension: they were given, no doubt, for the instruction of minds more intelligent than ours. We do not conceive that we have attained the utmost limits of human reason; and men of greater penetration may stand in need of precepts more elevated.

“There are many things to be found in the Gospel, that surpass and even shock our reason; we do not, however, reject them. Convinced of the weakness of our understanding, we know how to respect what we cannot comprehend, when from that which is intelligible we see reason to think the rest above our understanding. All that appears necessary for us to know, in order to live holy, is sufficiently clear in the Gospel; and what need have we to know more? On this point we may remain ignorant, but we shall be free from error, and shall not be the less virtuous. This humble reserve is itself in the spirit of the Gospel.

“We do not respect the sacred writings as a book, but as the word and life of Jesus Christ. The character of truth, of wisdom and sanctity which prevail therein, sufficiently shews that the history has not been materially altered*, but

* What would become of the simply faithful, if this were to be known only by means of critical discussions, or on the authority of pastors? With what face

but it has not been demonstrated to us, that it hath suffered no alteration at all. Who knows but the passages, we do not comprehend, may not be errors crept into the text? Who knows if the Disciples, who were so greatly inferior to their Master, always rightly understood him, or have accurately expressed themselves? We do not presume to determine any thing on this head, and only propose our conjectures, because you exact them of us.

“ We may be mistaken in our notions, but you may also be mistaken in yours. Why may you not, being yourselves but men? You may be as sincere as we, but you cannot be more so: you may be more enlightened; but, after all, you are not infallible. Who then shall be judge between us? Shall it be yourselves? That would not be equitable. Much less should it be we, who have so great a diffidence of ourselves. Let us leave this decision, therefore, to that great Judge who hears us both; and as we are agreed about the rules of our conduct towards each other, bear with us concerning the rest, as we bear with you. Let us live in peace, as brethren, let us join in affection for our common master, and in the practice of those virtues he hath recommended. This constitutes the true Christian.

“ But if you still persist in refusing us this precious appellation, after having done our utmost to live amicably with you, we console ourselves under this injustice, by reflecting that

face can it be pretended, that our faith is dependent on so much science or so much submission.

words

FROM THE MOUNTAINS. 23

words do not constitute things ; that the first disciples of Jesus did not bear the name of Christians ; that St. Stephen, though a martyr, never bore it ; and that when St. Paul was converted to the faith of Christ, there were no Christians * on the face of the earth."

Can you imagine, sir, that a controversy thus handled, will be very warm or very long ? Will not one of the parties be presently reduced to silence, when the other will not dispute with them.

If our supposed profelytes should be masters of the country they might inhabit, they would establish a form of worship as simple as their creed ; and the religion which would result from all this, would be extremely useful to mankind, even from its very simplicity. Disengaged from every thing that might be substituted in the place of moral virtues, and having neither superstitious ceremonies nor doctrinal subtilties, it would aim directly at its true end, the practice of our duty. The words Puritan and Orthodoxy, would be no longer in use. Piety would no longer consist in the repetition of certain articulate sounds. The wicked only would be accounted impious, and the virtuous only the truly faithful.

This institution being once fixed, every one would be obliged by the laws to submit to it, because it would not be founded on the authority of men ; it would contain nothing but what was agreeable to the natural order of things ;

* This name was first given them at Antioch, some years after.

nor one single article which would not relate to the welfare of society; nor would it be intermixed with any tenet useless to morality, or point of mere speculation.

But would our proselytes, therefore, be intolerant? Not at all. On the contrary, they would be tolerant from principle: they would be more so than they could possibly be by adopting any other doctrines; as they would admit among them all those salutary religions as now do not admit each other; that is to say, all those who have something essential which they neglect, in order to make that essential which is not so. In the meanwhile, being themselves attached only to what is essential, they would leave the others to add the non-essentials at pleasure, provided they did not wholly reject it. They would leave the others to explain what they themselves would not attempt to explain; and to determine what they would not presume to determine. They would leave to other religions, their several rites, creeds, and modes of belief; requiring only that they would admit, with them, the principles of moral obligation, necessary to form the man and the citizen; and leaving them at full liberty, with regard to any thing else, to believe what they might think proper. As to such religions as might be essentially bad, tending to induce men to do ill, they would not tolerate them at all; because this would be in itself contrary to the spirit of true toleration; whose end is the peace and tranquillity of mankind. The real friends of religious toleration are no advocates for the toleration of crimes; they are not for tolerating

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FROM THE MOUNTAINS. 25

the propagation of doctrines which tend to make men wicked.

If we suppose, on the contrary, that our profelytes are under the dominion of others; they will, as children of peace, be obedient to the laws of their masters, even in matters of religion, at least if their religion be not essentially evil; for in that case they will refuse to profess it, tho' without insulting those who may. They will say, as Providence hath thought proper to place us in a state of servitude, we are desirous of being good servants; but your sentiments would prevent our being so: we know, we respect our duty, and reject every thing that would induce us to swerve from it; it is in order that we may be faithful to those we serve that we adopt not the laws of iniquity.

But if the religion of their country be essentially good in itself, and the evil annexed to it, consist only in particular interpretations, or in tenets purely speculative, they will adopt what is essential, and bear with the rest, as well out of regard to the laws as for the sake of peace. Should they be called upon expressly to declare their belief, they will do it ingenuously, because it is not lawful to deceive: in case of necessity they will avow their sentiments boldly; and, if they are controverted, defend them by argument. Otherwise they will never enter into disputes with their brethren; but, without persisting in their endeavours to convert them, will remain united to them in the bonds of charity; they will attend their religious assemblies, adopt their forms of worship; and, without thinking themselves a jot more infallible,

will submit their opinions to the determination of the majority, respecting every thing that does not immediately interest their consciences, or seem essentially necessary to salvation.

Such, you will say, is the favourable side of the picture; such will be the advantages; let us now see what will be the disadvantages; these will be soon enumerated. The wicked designs of men will no longer receive the sanction of the word of God. Religion will no longer serve as an instrument to ecclesiastical tyranny, or the cruelty of usurpers. It will conduce only to render the faithful good and just. Their leaders will not find their account in it; to whom it will be worse than if it were totally useless.

Thus it appears the doctrines in question are good for mankind, and bad for their oppressors. In what class, then, ought they to be ranked? I have made a faithful representation both for and against them. Compare them, and judge for yourself.

All things duly considered, I imagine you will subscribe to two things; the one is, that the conduct of the good people whose existence I have supposed, would, in all these particulars, be perfectly conformable to the Vicar's profession of faith: the other is, that this conduct would not only be morally irreproachable, but truly christian, and that it would be unjust to refuse to give such worthy and pious persons the appellation of Christians; since they so justly merit it by their behaviour, and are less opposite in their sentiments to many of those sects who indisputably assume it, than many of those sects
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are opposite to each other. They would not, indeed, be Christians after the mode of St. Paul, who was naturally a persecutor, and never heard Jesus Christ himself. But they would be Christians after the manner of St. James; who was personally chosen by his great Master, and received from his own mouth the instructions he hath transmitted to us. This argument is very simple, but it appears to me conclusive.

You will ask me, perhaps, how I make this doctrine agree with that of a man who says the Gospel is absurd, and pernicious to society? In avowing frankly that I think it would be very difficult to make these appear consistent, I ask, in my turn, who it is that says the Gospel is absurd and pernicious. You, gentlemen, accuse me of having done this, and where? In the chapter treating of political religion, in my essay on the *Social Compact*. Really this is very singular; when in the very same manner I imagined I had affirmed directly contrary. I think I have said, that the Gospel is the most sublime, and, at the same time, the most powerful tie of human society *. I will not charge these gentlemen with advancing a wilful falsehood; but you must allow that two propositions so contradictory in the same book, and even in the same chapter, must appear very extravagant on the whole.

But is there not here some new equivocation, by the help of which I am made to appear more culpable, or more crazy than I am? The meaning of the word *Society* is a little vague: there are societies of various kinds in the world; and it is not impossible but that which may be ad-

* *Contract Social*, lib. iv. ch. 8.

vantageous to one may be hurtful to the other. Let us see. The favourite method of my aggressors is artfully to present indeterminate ideas ; all the answer I shall make them, shall be to endeavour to ascertain them.

The chapter just mentioned is intended, as is evident from the title, to examine into the manner in which religious institutions may enter into the constitution of the state. So that the point under consideration is not the truth or falsehood, or even the goodness or badness of religions in themselves ; but to consider them only as they relate to the body politic, and are component parts of legislation.

With this view, the author shews, that all the ancient religions, not excepting that of the Jews, were national in their origin, appropriated to, and incorporated in, the state ; forming the basis, or at least making a part, of the legislative system.

Christianity, on the contrary, is in its principles an universal religion ; having nothing exclusive, nothing local, nothing peculiar to one country any more than to another. Its divine author, embracing all mankind in his boundless charity, came to remove those barriers that separated the nations from each other, and to unite all mankind in a people of brethren : *for in every nation he who feareth the Lord, and doth justice, is acceptable* *. Such is the true spirit of the Gospel.

Those, therefore, who would make Christianity to be a national religion, and introduce it as a constitutional part in the system of legisla-

* Acts x. 35.

tion,

tion, have been guilty of two faults; the one pernicious to religion, and the other to the state. They have departed from the spirit of Jesus Christ, whose kingdom is not of this world, and confounding our sublunar interests with those of religion, have sullied its celestial purity; converted it into a scourge in the hands of tyrants and an instrument of persecution. They have done no less injury to the salutary maxims of policy; as, instead of simplifying the machine of government, they have rendered it more complicated; they have added to it foreign and superfluous resources, and by subjecting it to two different and frequently contrary motions, have occasioned those convulsions which are felt in all the Christian states in which religion hath entered into the political system.

Perfect Christianity is an universal social institution; but to shew that it is not a political establishment, and that it doth not concur to the support of any good particular institution, we must set aside the sophistry of those who introduce religion into every thing, as a hold, by means of which they may engross every thing to themselves. All human establishments are founded on human passions, and are supported by them: whatever combats and destroys the passions, therefore, is by no means proper to strengthen those establishments. How can that which detaches our hearts from the things of the world, induce us to interest ourselves more strongly in what is doing here? How can that which engages our thoughts only towards another country attach us more powerfully to this?

National religions are useful to a state, as parts of the constitution; this is incontestible; but they are hurtful to mankind in general, and even, in another sense, to the state: I have shewn how and wherefore.

Christianity, on the contrary, by making men just, moderate, and peaceable, is very advantageous to society in general; but it weakens the force of the political spring; it renders the movements of the machine more complex, it breaks the unity of the body moral, and being insufficiently appropriated to the purposes of government, must either degenerate or remain a detached and embarrassing subject.

Such are the prejudices and inconveniences on both sides relative to the body politic. It is nevertheless of consequence to a state that it be not without some religion; and that for very sufficient reasons; on which I have ever strongly insisted. But it is yet better to have no religion at all, than to have one that is cruel and persecuting; and which, tyrannising over the very laws themselves, is contradictory to the moral obligations of the people. It might aptly enough be observed, that every thing which has passed in Geneva regarding myself, serves to confirm the argument of that chapter by example, and to prove, from my own history, that I have therein reasoned justly.

How should a wise Legislator act in this alternative? He should do one of these two things. He should establish a religion purely political; in which he should include the fundamental tenets of every good religion; all those which
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FROM THE MOUNTAINS. 31

are useful to society, whether universal or particular; omitting all such as may be important in point of faith, but conduce nothing to the temporal interests of mankind, the only object of civil legislation. For, how can the mystery of the Trinity, for example, conduce to the good constitution of the state? How much better citizens would its members be for having rejected the merit of good works? And how would the bands of society be strengthened by the doctrine of original sin? True Christianity is doubtless an institution of peace; but who is ignorant that speculative and theological Christianity, by the multiplicity and obscurity of its tenets, keeps a field of battle constantly open for the disturbance and destruction of mankind.

The other expedient is to leave the genuine spirit of Christianity to operate freely, disencumbered by any connection with the works of the flesh, subjected to no other obligations than that of conscience, and to no other restraint in its tenets than those of morality and the laws. The Christian religion must, on account of the purity of its morals, be ever salutary to a state, provided it be not made a part of the constitution, but is admitted merely as religion, sentiment, opinion, or belief: for considered as a politic law, speculative Christianity is an unsalutary establishment. This, sir, is the worst consequence that can be deduced from the chapter in dispute; in which so far am I from taxing the pure and holy *Gospel* * with being pernicious to society, that I shew it to be in a manner too social; including

* See Letters written from the Country, pag. 30.

too great a part of mankind, to coincide with particular and exclusive systems of legislation. I have shewn that it inspires humanity rather than patriotism, and tends rather to the forming of men than citizens *. If I am mistaken, I have committed a blunder in politics ; but where is the impiety ?

The science of salvation and that of government are very different. To insist that the former necessarily includes all others, is the fanaticism of a narrow mind. Such a way of thinking is like that of the alchemists, who, in the art of making gold conceive they also see that of the universal medicine : or like that of the Mahometans, who pretend that all arts and sciences are to be found in the Alcoran. The doctrines of the Gospel have but one object in view, which is the universal salvation of mankind. Their liberties and properties here below have nothing to do with it. This Jesus hath said a thousand times. To join earthly views

* It is wonderful to see the assortment of fine sentiments, which are daily collected together in books. But nothing more is required to do this, than a good store of words ; and it costs but little pains to display the greatest virtues on paper. The case is otherwise with respect to their influence on the heart ; and there is a wide difference between the description of things and their reality. Patriotism and humanity, for example, are two virtues incompatible with each other in any great degree, and particularly in a whole people. The Legislator who would unite them both, will obtain neither one nor the other. Their union never was, nor ever will be known, because it is contrary to nature, and because it is impossible to give two objects to one passion.

to this celestial object, would be to alter the sublime simplicity of its nature, and to sully its sanctity with mere human concerns: this, indeed, might justly to be called impiety.

These distinctions have been established in all ages; and it is only on my account they are now confounded. If I have taken away the Christian Religion from particular national institutions, I have asserted it to be the best for mankind in general. The author of the *Spirit of Laws* hath done more. He hath said, that the Mahometan religion was better calculated for the Asiatic countries. He reasoned as a politician, and so did I. And yet in what country have they quarrelled, I do not say with the author, but with his book *? Why therefore am I thought criminal, or why was not he adjudged to be equally so?

Thus, sir, by means of faithful extracts, may an equitable critic come to know the real sentiments of an author, and the design with which he hath composed his book. Let mine be examined in the same manner, and I shall not be afraid of the judgment which any honest man may pass on it. But this is not the method taken by my opponents. With the view of making me criminal at all hazards, they depart from the real intent of the work; imputing every error, and oversight, that may have escaped the author, to design; and never failing, if

* It may not be improper to remark here, that the work, entitled *L'Esprit des Loix*, was first printed at Geneva, without our Critics finding any thing reprehensible in it; nay, one of our Pastors even corrected the press.

by chance an equivocal passage is met with, to put an interpretation on it different from the meaning of the writer. From a large field, covered with a plenteous harvest, they industriously pick out a few exceptionable plants, in order to accuse the planter of a design to poison.

My propositions could have no ill effect in their proper place. They were really useful and just in the light I exhibited them. It is the falsification of them, and the fraudulent interpretations put on them, which make them appear reprehensible. They ought to be burnt, indeed, as they stand in their books, and applauded as they are inserted in mine.

How often have authors thus defamed, and the public thus abused, exclaimed against this odious manner of mangling and disfiguring performances; of taking scraps here and there, at the pleasure of a faithless and disingenuous informer, who himself constitutes the evil, by detaching it from the good that corrects and explains it, and perverting every thing from its true sense? They are welcome to judge of Bruyere and Rochefoucault by their detached maxims; but even then it would be but just to number and compare them. But in a book of argument, how many different senses may not be given to the same proposition, according to the manner in which the author employs it, or presents it to the view of the reader? There is not, perhaps, one of those imputed to me, which is not confuted either in the foregoing or succeeding page; or that I have not used in a sense different from what my accusers have represented. You will see, before I come to the end
of

of these letters, some proofs of this, that will surprize you.

But admitting that my book contains propositions that are false and reprehensible in themselves ; is this sufficient to render it a pernicious book ? A good book is not that which contains nothing bad, or which may not be so interpreted : if it were, we should have no good books at all. But a good book is one that contains more good things than bad : a good book, in short, is one whose general tendency is good, notwithstanding the bad things it may contain. Good God ! how preposterous would it be, if in a great work, full of useful truths, of lessons of humanity, piety, and virtue, a malignant critic were permitted to go on, minutely searching out all its errors ; picking up every equivocal, suspicious, or inconsiderate proposition ; every false consequence that might escape the attention of an author, overcharged with matter, and so distracted by the numerous ideas crowding on his mind, as to be scarce able to collect together the several parts of his vast design ! If he were permitted, I say, to make a collection of all these faults ; to aggravate them by one another, in bringing those which were distant near together, and in connecting those which were detached ; at the same time concealing the multitude of good and commendable passages, serving to explain, to illustrate them, and to shew the true meaning of the writer ; and then to give out this frightful assemblage as a proof of his real sentiments, and to condemn him on the testimony of such an extract ! To what desert can he fly ? in what cavern can he conceal him-

self, to escape the pursuits of such men, who punish the good under the appearance of evil; who account as nothing the intention of the heart, though its uprightness is every where apparent; but treat the slightest and most involuntary fault as an atrocious crime? Is there a single book in the whole world, however true, however good, however excellent, that can escape so infamous an inquisition? No, sir, not one; not even the Gospel itself: for the evil they did not find there, they would be able to represent as being there by their unfaithful extracts, and false interpretations. "We refer to you," they might dare to say, "a scandalous, rash, and impious book, which teaches us to give to the rich and to take from the poor (*a*); which instructs children to deny their mothers and their brethren (*b*); to take the property of others without scruple (*c*); to forbear instructing the wicked, lest they should repent and be forgiven (*d*); to hate father, mother, wife, children, and all one's relations (*e*); a book, throughout which the flames of discord are blown up (*f*); in which boast is made of arming the son against the father (*g*), relations against one another (*h*), and servants against their masters (*i*); in which the violation of the laws is appro-

(*a*) Matth. xiii. 12. Luke xix. 26.

(*b*) Matth. xii. 48. Mark iii. 33.

(*c*) Mark xi. 2. Luke xix. 30.

(*d*) Mark iv. 12. John xii. 40.

(*e*) Luke xiv. 26.

(*f*) Matth. x. 34. Luke xii. 51, 52.

(*g*) Matth. x. 35. Luke xii. 53.

(*h*) Ibid. (*i*) Matth. x. 36.

FROM THE MOUNTAINS. 37

ved (*k*) ; in which persecution is imposed as a duty (*l*) ; in which, in order to induce people to commit violence and robbery, the kingdom of Heaven is represented as being taken by force (*m*).

Figure to yourself a diabolical critic thus analysing the whole Gospel, and forming such an abominable analysis, under the title of *The Evangelical Profession of Faith*, a piece that must strike the reader with horror, while the devout Pharisees should cry it up with an air of triumph, as an epitome of the precepts of Jesus Christ.

By this example, however, may be seen, how far this scandalous and injurious method of criticizing books may be carried. Whosoever hath read my books, and may read the imputations of those who accuse me, who judge, who condemn, who persecute me, will see that it is thus they have treated me.

I imagine, sir, I have sufficiently shewn, that these gentlemen have not condemned me according to the dictates of reason. I shall now proceed to shew, that they have not condemned me according to law ; but permit me a while to take breath. To what melancholy efforts am I reduced, at this time of life ! Ought I to learn so late to make my apology ?

(*k*) Matth. xii. 2, & seq.

(*l*) Luke xiv. 23.

(*m*) Matth. xi. 12.

LETTER

LETTER THE SECOND.

I HAVE supposed, fir, in the preceding Letter, that I have really been guilty of those errors against the faith, of which I stand accused, and have shewn that, as such errors are not hurtful to society, they are not punishable by human justice. God almighty has reserved to himself the defence of his own cause, and the punishment of offences committed merely against himself. It is sacrilege in men to presume to be avengers of the Deity; as if he stood in need of their protection. Magistrates and Kings have no authority over our souls; but, provided we are obedient to the laws of society in this world, have nothing to do with our situation in the next; to which their jurisdiction doth not extend. If once we lose sight of this principle, the laws devised for the happiness of mankind would soon degenerate into a scourge; while individuals, under their horrible inquisition, being judged rather by their faith than their works, would lie at the mercy of every one who had a mind to oppress them.

If the laws have no authority over the sentiments of mankind in things appertaining solely to religion, they have also no greater authority over such parts of their writings as
display

display only such sentiments. If the authors of those writings are punishable, it is not merely because they have divulged errors; neither the law, nor its ministers are the proper judges of what is or is not an error. The author of the Letters written from the Country appears to admit of this principle. Perhaps, indeed, he carries it too far, in admitting that in Politics and Philosophy men may be suffered to write what they please*. But this is a point that does not here come under examination. Please to observe, however, what a turn your Gentlemen and he give the thing, in order to justify the sentence passed on my works and myself. They judge of me less as a Christian than as a citizen, and look upon me less as impious towards God than rebellious against the laws. They regard less the sinfulness of my crime, than the heresy of my disobedience. According to them, I have attacked the religion of the state, and have incurred the penalty of the laws. This, I think, is the meaning of all they have advanced intelligibly, in justification of their proceedings.

On this point I see three difficulties. The first is, to know what is the religion of the state: the second, to shew that I have attacked it: and the third, to point out the particular law whose penalty I have incurred.

* In this respect, says he, p. 22. *I find my own maxims made use of in the Remonstrances*: And again, pag. 29. he looks upon it as *incontestible*, that no body should be persecuted on account of his religious principles.

First,

40 LETTERS WRITTEN

First, What is the religion of the state? It is that of the holy evangelical Reformation! Doubtless these are high-sounding words. But what is at present the holy evangelical reformation at Geneva? Has it by accident ever come to your knowledge? If it has, I felicitate you on the occasion. For my own part, I am ignorant of it. I imagined, indeed, formerly that I knew, but find myself mistaken, as well as many others, more knowing than myself in every other respect, and not less ignorant in this.

When the Reformers separated themselves from the Church of Rome, they accused it of error; and in order to correct this error at the fountain head, they interpreted the Scriptures in a different sense from what the Church had been accustomed to. When they were asked on what authority they ventured thus to depart from received doctrines? They answered, on their own authority; on that of their reason. They said the meaning of the Scriptures was plain and intelligible to all mankind, as far as they related to salvation; that every man was a competent judge of doctrines, and might interpret the Bible, which is the rule of faith, according to his own mind: that by this means all would agree as to essential points; and as to those on which they could not agree, they must be unessential.

Here, then, was private judgment established, as the only interpreter of the Scriptures: thus was the authority of the Church at once rejected, and the religious tenets of individuals;
left

FROM THE MOUNTAINS. 41

left to their own particular jurisdiction. Such are the two fundamental points of the Reformation ; to acknowledge the Bible as the rule of belief, and to admit of no other interpreter of its meaning than one's self. These two points combined, form the principle on which the Protestants separated from the Church of Rome : nor could they do less, without being inconsistent with themselves ; for what authority of interpretation could they pretend to, after having rejected that of the Church ?

But it may be asked, how, on such principles the Reformed could ever be united among themselves ? How, every one having his own particular way of thinking, they could form themselves into a body and make head against the Catholic church ? This it was necessary for them to do ; and, therefore, they united with regard to this one point, they acknowledged every one to be a competent judge as far as related to himself. They tolerated, as in such circumstances they ought, every interpretation but one, viz. that which prohibited other interpretations. Now this interpretation, the only one they rejected, was that of the Catholics. It was requisite for them unanimously to proscribe the Romish church, which in its turn equally proscribed them all. Even the diversity of their manner of thinking from all others, was the common bond of union. They were so many little states in league against a great power, each losing nothing of its own independence by their general confederacy.

Thus

Thus was the evangelical reformation established, and thus it ought to be maintained. It is true that the opinion of the majority may be proposed to the whole, as the most probable manner, or as the most authentic. The Sovereign may even reduce it into form, and recommend it to those who are appointed to teach it; because some rule and order ought to be observed in public instructions, and in fact no person's liberty is infringed by it, as none are compelled to be taught against their will. But it does not hence follow that individuals are obliged directly to adopt the interpretations thus proposed to them, or that doctrine which is thus publickly taught. Every one remains, after all, a judge for himself, and in that acknowledges no other authority than his own.

Good instructions ought less to fix the choice we ought to make, than to qualify us for making such choice. Such is the true spirit of the reformation; such its real foundation; according to which private judgment is left to determine in matters of faith; which are to be deduced from the common standard, *i. e.* the Gospel. Freedom is so essential also to reason, that it cannot, if it would, subject itself to authority. If we infringe ever so little on this principle of private judgment, Protestantism instantly falls to the ground. If I am convinced to-day that I ought to submit to the decisions of others, I should to-morrow become a Catholick, and every honest and consistent man would do the same.

Now

FROM THE MOUNTAINS. 43

Now the liberty of interpreting the Scripture not only includes the right of explaining its several passages, but that of remaining in doubt with regard to such as appear dubious, and also that of not pretending to comprehend those which are incomprehensible. Such is the privilege of every one of the faithful ; a privilege with which neither Minister nor Magistrates have any thing to do. A man who reveres the Bible, and agrees with them in regard to principal points, behaves conformably to the evangelical reformation. The oath of the burghers of Geneva means no more. Already I see your learned Doctors begin to triumph with regard to these principal points; from which they pretend I have departed. But softly, gentlemen, pray; it is not myself, but you who are my present subject. Let us first know what these capital points are, according to you. Let us know, what right you have to oblige me to see them where I do not see them, and where perhaps you do not in fact see them yourselves? Forget not, if you please, that in imposing your decisions on me for laws you yourselves depart from the spirit of the reformation: it is you who shake its real foundation; it is you who by law deserve to be punished.

Whether we consider the political state of your republick at the time of the Reformation, or weigh the terms of your ancient edicts relative to religion, it will appear that the Reformation is in every case opposed to the church of Rome: and that the laws had no other object than to abjure the principles and worship
of

44 LETTERS WRITTEN

of that church; as being, in every sense, destructive of liberty.

In this particular situation the state existed only, if I may so express myself, by the separation of the two churches, and the republic would have been annihilated if Popery had got the ascendant. Thus the law, which prescribed the evangelical mode of worship, had nothing in view but the abolition of the Romish forms. This is sufficiently proved by those invectives, which were contained in your primitive ordinances; and which have since been prudently retrenched, when the same danger no longer subsisted. This is sufficiently attested also by the oath of the Consistory; which consists only in the engagement to prevent all *kinds of idolatry, blasphemies, dissolutions, and other things contrary to the honour of God and the evangelical reformation.* Such are the terms of the Ordinance passed in 1562. On the Review of the same Ordinance in 1576, it was entitled *To guard against all scandal* * : which shews, that in the first form of the oath, the sole object of it was the separation from the Church of Rome. The matter of police was introduced afterwards; as is natural, when an institution begins to assume some consistency. But even then, neither in the one lesson nor in the other, neither in any oath of the magistrates, the citizens, or the ministers, is there any mention made of error or heresy. This was so far from being the

* Ordon. Eccles. Tit. iii. Art. lxxv.

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object of the reformation, or the laws, that it would only have made them inconsistent with themselves. Thus your edicts have settled, under the word *reformation*, nothing but the points in controversy with the Church of Rome.

I am sensible that your history, as well as that of the Reformation in general, is full of facts which betray the existence of a very severe inquisition; and that, from being themselves persecuted, the Reformed soon became persecutors in their turn. But this contrast, so shocking in the history of all sects of Christians, proves nothing more with regard to yours, than the inconsistency of mankind and the influence which the passions have over reason. The protestant clergy, in consequence of their disputes with those of the Romish communion, acquired a spirit of cavil and disputation. They wanted to decide, regulate and dictate in every thing: every one very modestly proposed his own sentiments as the supreme law for all the rest. This was not the way to live long in peace. Calvin, doubtless, was a great man; but yet he was still a man, and, what is worse, a divine. He had besides all the pride of Genius, sensible of its superiority and impatient of contradiction. Most of his colleagues were in the same circumstances; and all of them by so much the more culpable as they were the more inconsistent.

What hold did they not give by this means, to the Catholics, and what a pity it was that those learned men, those enlightened spirits, who
reasoned

reasoned so well on all other subjects, should, in their controversies, reason so very ill on this!

These contradictions, however, serve to prove nothing, except that they acted more from their passions than their principles. Their rigid Orthodoxy was in itself an Heresy. It was, indeed, the spirit of the reformers but not that of the reformation.

The protestant religion is tolerant from principle, it is essentially so, as much as it is possible for a religion to be; since the only tenet it does not tolerate is that of persecution.

Here we see is the insurmountable barrier, which separates us from the Catholics, and which unites the other communions among themselves: every one looks upon the other to be in an error; but none ought to look upon that error as an obstacle to salvation*.

The protestants of our days, at least their ministers, either know not, or have no love for their religion. If they had, they would unanimously have rejoiced at the publication of my book; they would all have joined me, who attacked only their adversaries. But they had rather give up their own cause than support mine. With their ludicrous arrogance, with their rage of chicanery and persecution, they no longer know what they believe, what they would have, nor

* Of all the sects among Christians, the Lutherans appear to me the most inconsistent. The objections which other sects make to each other, are all to be levelled against that alone. It is in particular as intolerant as the church of Rome; of whose grand argument it is destitute: it is intolerant without knowing why.

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what they say. I can look upon them only as worthless servants of the priests, who serve their cause less for the love of them, than out of hatred to me †. When they have disputed, cavilled, abused, and decided at their pleasure; in the midst of their petty triumph, the Romish Clergy, who at present laugh in their sleeves at what they are about, will attack them in time with unanswerable arguments *ad hominem*, and, vanquishing them with their own arms, will say; *All this hath gone well; but at present stand aside, wretched intruders as you are; you have only been labouring for us.* But to return to my subject.

The church of Geneva has not, nor ought it to have, as a reformed church, any precise and particular articles of faith, adopted in common by all its members. If this be insisted on, it will be in itself an infringement on evangelical liberty, a renunciation of the principles of the reformation, and a violation of the laws of the state. Not one of the protestant churches, which have formerly drawn up articles of faith, or the Synods which have settled points of doctrine, appear to have meant any thing more than to prescribe to the pastors what they ought to teach; and this was right and proper. But if any of those councils or Synods took upon them, by such formula to prescribe to the faithful what they ought to be-

† It is superfluous, I imagine, to acquaint the reader, that I except my own pastor, and those who think like him with respect to this point.

lieve,

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lieve, the decisions of such assemblies in that case prove only that they were ignorant of their own religion.

The Church of Geneva hath long appeared to depart less from the true spirit of Christianity than the others, and it was on this fallacious appearance that I have honoured its pastors with those encomiums of which I thought them deserving. For in so doing I certainly did not intend to impose on the publick. But who can bear at present to see those very ministers, formerly so pliable, become all at once so rigid as to quarrel with the orthodoxy of a layman, and leave their own under such a scandalous uncertainty. The question hath been put to them, whether Jesus Christ be God? but they are afraid to answer. They have been asked what mysteries they admit of? They dare not make any answer. On what subject, therefore, will they answer, and what are the essential articles, different from mine, on which they would have one determine, if these are not comprehended among them?

A certain philosopher cast a penetrating glance on them, and saw they were Arians and Socinians; he said so, and in that, thought to do them honour. But he did not foresee, that in so doing he endangered their temporal interest: the only thing which here below generally determines the religious faith of mankind.

They immediately therefore took the alarm; they assembled, they debated, they were agitated, they knew not to what saint to devote them-

themselves : but after many consultations*, deliberations, and conferences, the whole ended in an equivocation, in which they said neither yes nor no ; and from which it is as little possible to comprehend any thing, as from the two pleaders of Rabelais†. The orthodox doctrine is, therefore, not very clear, and is lodged in very secure hands.

And yet because one of them, in a string of forced and pedantic pleasantries, as candid as elegant, has not been afraid to forfeit his own pretensions to Christianity in judging of mine ; all of them, charmed with the erudition, and in particular the logic, of their learned brother, avow the whole of his work, and send him a formal deputation of thanks.

Truly, these gentlemen, your ministers, are a mighty singular sort of people. One knows not what they believe, nor what they do not believe. One does not even know what they pretend to believe. The only manner in which they attempt to establish their own creed, is by attacking that of others. They act like the Jesuits, who, it is said, compel every body to sign the Constitution, without signing it themselves. Instead of explaining themselves on the doctrine which is imputed to them,

* When a person is fully determined on what to believe, says a certain Journalist, a creed is very soon drawn up.

† They would possibly have been under some embarrassment to explain themselves more clearly, without being obliged to retract from their own assertions with regard to some particulars.

they think to divert the attention of other churches, by picking a quarrel with their own defender: they want to prove by their ingratitude, that they do not stand in need of my assistance, and think they sufficiently display their orthodoxy, by shewing themselves persecutors.

From all this I conclude, that it is not easy to say in what consists at present the reformed religion at Geneva. All that can be advanced with any certainty on this head, is, that it ought to consist principally in rejecting the tenets contested with the Church of Rome by the first reformers, and particularly by Calvin. This is the spirit of your institution; and it is by this you are a free people, and by this alone that your religion is a constitutional part of the state.

I pass from this first question to the second; and ask how it can be said that in a book, wherein the truth, the utility, the necessity of religion in general are inculcated with the greatest force; wherein, without making any exclusion, the author prefers the Christian religion to every other, and the evangelic reformation to every other sect; how, I say, can it be pretended, that this very reformation hath been attacked? This seems very difficult to conceive. Let us, however, examine into it.

I first prove in general, and afterwards more circumstantially, that Christianity is not attacked in my book. Now when the common principles are not attacked, a particular sect can

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can be so only in two methods; either indirectly, by maintaining the contrary tenets of its adversaries; or directly, by attacking its own.

But how can I be said to have maintained the particular tenets of the Catholicks, when on the contrary, it is those only I have attacked; and it is this very attack which hath irritated the Catholic party against me; and without which it is very certain the Protestants would never have taken the alarm? This, I confess, is one of the strangest things I ever heard of; but it is nevertheless true. I am professor of the protestant faith at Paris, and it is for this reason I am still so at Geneva.

Again; how can it be pretended that I attack the particular tenets of the Protestants, when, on the contrary, they are those which I have maintained with the more force, as I have constantly insisted on the authority of reason in matters of faith, on the freedom of private judgment in the interpretation of the Scriptures, on the evangelical toleration, and on our obedience to the laws, in affairs of public worship; all of them peculiar and radical tenets of the reformed Church, and without which, it would be so far from having a solid foundation, it could not even exist.

To this it may be added, that the very form of the piece is an additional argument in favour of the Reformed. It is a Catholic Priest who is the speaker; and this priest is neither a blasphemer nor a libertine. It is a man faith-

ful and pious, full of candour, of integrity; and who, notwithstanding his scruples, his doubts, and objections, entertains, at the bottom of his heart, the most profound respect for the religion he professes: a man who declares, in the most secret effusions of his mind, that, being called to the service of the church, he hath discharged his duty with all possible exactness; that his conscience would reproach him should he fail even in the least particular; that with regard to the mysteries most repugnant to reason, he collects his thoughts within himself, during the moment of consecration, in order to do it with that disposition the Church and the solemnity of the Sacrament require; that he pronounces, with respect to the sacramental terms, he gives to them all the belief in his power; and that, whatever may be the truth with respect to that inconceivable mystery, he is not afraid of being punished, at the great day, for having ever profaned it in his heart*.

Thus spoke and thought that venerable man, that good, prudent, truly christian, and the most sincere Catholick, that perhaps ever existed.

It is worth mentioning what this virtuous Priest said to a young Protestant, converted to the Romish religion, to whom he was giving advice. “Return to your own country, resume the religion of your parents, follow its dictates in the sincerity of your heart, and never leave it more. It is very simple and

* See Emilius, vol. iii. pag. 142.

“very

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“ very holy. I believe it to be, of all religions on the earth, the most reasonable and the most pure in its morals *.”

He adds a moment afterwards. “ Whenever you appeal to your conscience, a thousand vain objections disappear. You will be sensible, that in our present uncertain state, it is an inexcusable presumption to profess any other religion than that in which we are born and educated; and a falshood not to practise sincerely the religion we profess. If we happen to be in an error, we deprive ourselves of a great excuse at the tribunal of our sovereign Judge. Will he not be more ready to pardon an error in which we have been born and bred, than that which we have made choice of ourselves † ? ”

A few pages before he had said: “ If I had any Protestants in my neighbourhood, or in my parish, I would make no distinction between them and my parishioners in things relating to Christian Charity: I should endeavour to make them all equally love each other; to make them look upon each other as brothers; to respect all religions; and to live in peace, each after his own. I think that to solicit any one to quit the religion in which he was born, is to solicit him to do evil, and of consequence is to do evil one’s self. In the expectation of superior lights, let us preserve the publick peace; let us, in every country, respect the laws; let

* See Emilius, vol. iii. p. 148. † Ibid.

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“ us not disturb the worship they prescribe ;
 “ let us not stir up the citizens to disobedience, for we know not certainly whether it
 “ be good for them to give up their present
 “ opinions for others, and we certainly know
 “ it is an evil to disobey the laws.”

Such, Sir, is the discourse of a Catholick priest, in a performance wherein I am accused of attacking the religious worship of the Reformed, and in which he hath said nothing more. They might, perhaps, have reproached me, with some justice, of too great a partiality in his favour, and of a deficiency in point of character, by making a Catholick priest talk in such a manner as no Catholick priest ever yet did talk. Thus I have, in every respect, done the very reverse to what I am accused of. One would be apt to imagine, that the conduct of your magistrates depended on a wager, and that they had betted judgment would be given contrary to the evidence. If they had, they could not have succeeded better.

But that book, it is said, contains objections, difficulties, and doubts : And, pray, why should it not ? Where is the crime in a Protestant's proposing his doubts on subjects that appear to him doubtful, or his objections with regard to those which he finds objectionable. If what appears to you clear, seems to me obscure ; if what appears to you demonstrated, seems to me not so ; by what right do you pretend to subject my judgment to yours, and to impose on me your authority for law, as if you pretended to the infallibility of the
 Pope ?

Pope? Is it not very pleasant that my accusers are reduced to the necessity of reasoning like Catholicks, in charging me with having attacked the Protestants?

But these doubts and objections fall on the fundamental points of our faith! Under the appearance of doubts, are assembled together all those reflections which tend to sap and destroy the principal foundations of the Christian religion! Here we see the charge is altered, and if it be true, I may be to blame. But this is also a falshood; and a very imprudent one on the part of men, who know not in what the fundamental principles of their Christianity consist. For my part, I very well know in what consist the fundamental principles of mine, and I have declared it. Almost all the profession of Eloisa is affirmative; all the first part of the vicar's is affirmative; half the second is likewise affirmative. Part of the chapter on political religion is affirmative: the letter to the Archbishop of Paris is farther affirmative. There, gentlemen, you will find my fundamental articles. Be so good as to let us see yours.

No. These gentlemen are cunning. They have laid down a method of discussion of the newest and most convenient kind for persecutors. They artfully leave all the principles of their doctrine vague and uncertain. But when a writer hath the misfortune to displease them, they begin to turn over their books to know what are their opinions, and though they think them very plainly laid down, they assume the contrary of those opinions, and compose so many articles of faith: after which they ex-

claim against the impiety and blasphemy of such author, because he did not beforehand admit into his writings the pretended articles of faith, which they have afterwards contrived, in order to torment the author.

How shall I be able to pursue the multiplicity of subjects, on which they have attacked me? How shall I be able to collect or to peruse all their libels? Whom shall I employ to go and pick up these shreds and patches, in the shops of Geneva, or out of that heap of rubbish, the Neufchatel Mercury. I should be lost and bewildered in the midst of so many absurdities. From all this farrago, let us take one article only, as an example, an article on which they triumph most; and to discuss which their preachers* retired into the country, and about which they have made the most noise. This is that of miracles.

I shall enter into a long examination of this subject: I must beg of you, however, to forgive me, if I should trespass on your patience; as I discuss this terrible point only to spare you the trouble of attending to others on which they have less insisted.

They say, then, "J. J. Rousseau is not a Christian, though he gives himself out for such; for we, who certainly are so, differ

* I should not have made use of this expression, as I thought it depreciating, if the example of the Council of Geneva, who employed it in writing to Cardinal de Fleury, had not informed me my scruple was ill founded.

from him in opinion. J. J. Rousseau does not believe in revelation, although he says he believes in it. Observe the proof. "God doth not reveal his will directly to all mankind; he speaks to them only by his ministers, and his ministers work miracles as a proof of their mission: Whoever therefore rejects miracles, rejects the ministers of God, and whoever rejects the ministers of God rejects revelation. Now John James Rousseau rejects miracles."

We will admit, for the present, that both the principle and the fact are true; as we shall return to the examination of them afterwards. This supposed, the preceding argument hath but one defect; and that is, it makes directly against those who employ it. It is very good for the Catholics, but very bad for Protestants. Let me come to prove in my turn.

You will find that I am frequently guilty of repetition; but of what importance is it? How can I avoid resuming a proposition, when I find it necessary to arguments quite different? This would be a puerile affectation. My present object is not the study of variety, but that of truth, of just and conclusive arguments. Pass by the rest if you please, and attend only to that.

When the first Reformers began to spread their doctrines, the catholic church was in peace: the sentiments of the whole Christian world were the same; nor was there one essential tenet controverted among them. In

this state of tranquillity, there rose up at once, two or three clamorous men, who cried out, in the face of all Europe; "Christians, look to yourselves; ye are deceived, led astray, and are in the high road to damnation. The Pope is the Antichrist, the substitute of Satan, and his Church is the school of falsehood. You are all ruined and undone if you attend not to our counsel.

At the first utterance of these clamors, the European nations were astonished, and for a while kept silence, expecting the consequence. At length the clergy, recovering from their first surprize, and seeing these declaimers gain converts, as every one who attempts to form a sect will certainly do; they thought it expedient to enter into some explanation with them. They began with enquiring the reason of all this disturbance. To which the former haughtily replied, "They were the Apostles of truth, called to work a reformation in the Church, and to bring back the faithful from the way of perdition, into which the priests had led them."

"But, pray, said the priests, from whom have you received this fine commission to trouble the publick repose, and disturb the peace of the Church?" From our consciences, replied they, from our reason, the light within us, the voice of God, which we must not disobey. It is God, who hath called us to this sacred ministry, and we obey our vocation.

You are then the ministers of Heaven, replied the Catholicks. In this case it is doubtless

less your duty to preach, to reform, to instruct us ; and it is ours to hear you. But in order to obtain your privileges, produce your credentials. Prophecy, heal the sick, work miracles, display the proofs of your mission. The answer of the Reformers is curious, and deserves to be faithfully transcribed.

“ Yes, we are the ministers of God, but our mission is not of the extraordinary kind. Our inspiration lies in the impulse of a good conscience, and the light of a sound understanding. We do not pretend to bring you a new revelation ; but confine ourselves to that which hath been given you, and which you no longer understand. We come to you not with miracles, which may be false, and by which so many false doctrines are already supported ; but with the evidence of reason and truth, which cannot be deceitful ; with the holy Gospels, which you have so disfigured and perverted ; and which we will undertake to explain to you. Unanswerable arguments are our miracles, and demonstrations our prophecies. We foretell that, if you attend not to the voice of Christ, who speaks to you, by means of our lips, you will suffer the punishment due to those unfaithful servants, who, being told the will of their master, refuse to obey it.”

It was not very natural for the Catholicks to be readily convinced of the truth of this new doctrine. And thus we see the point in dispute reduced to such a state, that it could not be determined. On the one side, the

Protestants stoutly maintained that their interpretations were so clear and evident, that nothing but wilful blindness could refuse to admit of them. On the other, the Catholicks, that the trifling and futile arguments of a few individuals, ought not to set aside or outweigh the authority of the whole Church; which had constantly been of a different opinion respecting the points in question.

In this situation the affair remained, the dispute turning upon the validity of the evidence; concerning which men will continue to differ in their sentiments, till they all possess the same share of experience and understanding.

It was not the business of the Catholicks to give the argument this turn. They would have more embarrassed their opponents, if, without contending with them about the efficacy of their proofs, they had contested their right to bring them. They should have replied to the Reformers in this manner:

“In the first place, gentlemen, your argument is a *petitio principii*: for if the force of your proofs be the only token of your mission, it follows that, with regard to those who do not think them convincing, your mission is false; and we may legally punish you, as hereticks, false apostles, disturbers of the peace of the Church, and of the repose of mankind.

“You say, you preach up no new doctrines; but pray, what are your new interpretations of the sacred texts? To give a new
sense

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sense to the words of Scripture, is certainly to establish a new doctrine. It is to change the very word of God : for certainly it is not in the mere sound, but the sense of the words, that revelation consists ; so that to alter the sense of the words is in fact to alter revelation itself.

“ Besides, consider how unjust and inconsistent you are. You acknowledge that miracles are necessary to authenticate a divine mission : and yet you, who, by your own confession, are simple uninspired individuals, imperiously set up for apostles sent from God*. You claim the authority of interpreting the Scriptures just as you please, and deny us the same privilege. You arrogate to yourselves an exclusive right as individuals, which you not only deny to each of us severally, but to all of us assembled together in the constitution of the Church. What lawful title or pretensions can you have to subject our pub-

* Farel declared in plain terms before the Episcopal Council at Geneva, that he was sent from God. On which, one of the Members of the Council cried out, in the words of Caiphas, *He hath blasphemed : What need of other witness ? He is deserving of death.* According to the doctrine of miracles, he should have had one at hand to give in reply to that speech. And yet Jesus did not display a miracle on that occasion any more than Farel. Froment declared, in like manner, to the Magistrate who prohibited his preaching, that *it was better to obey the voice of God than that of man*, and continued to preach, in spite of the prohibition ; a behaviour which certainly nothing could authorize but an express command from God.

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lick to your private judgment? What intolerable arrogance and self-sufficiency is it to suppose yourselves, and yourselves only, always in the right, in opposition to the rest of the world; whom you will not permit to enjoy quietly their own opinions, though they think them as well founded as you can possibly think yours †. The distinctions with which you amuse us, would at best be tolerable, if you had only broached them as private opinions. But you make open war upon us; you blow up the fire of discord in every quarter. Not to be converted by your lectures, truly, is rebellious, idolatrous, and damnable. You preach, dogmatize, censure, anathematize, excommunicate, punish, and put to death: you exercise all the power and authority of prophets, and yet pretend only to be mere men. Shall you, who are mere innovators, upstarts of yesterday, take upon you to burn your adversaries at the stake, by the assistance of a few hundred misguided followers; and will you deny us the right of proceeding in like manner against ours, when we are supported by the unanimous consent of an hundred millions, and have the sanction

† Who, for instance was ever more imperious and decisive, or more divinely infallible, in his own opinion, than Calvin; who regarded the least contradiction, or objection to his doctrines as damnable, and deserving of the severest chastisement. Servetus was not the only person who lost his life, for thinking in a different manner from this tyrannical reformer.

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of antiquity for fifteen hundred years? No. No. ~~Either cease to talk and act as apostles,~~ or produce your title to such a character; otherwise, whenever we are the strongest, we shall treat you, and that very justly, as impostors."

How could the Reformers have invalidated these arguments? For my own part, I know nothing they could reasonably offer in their defence; but must either have been reduced to silence, or have had recourse to miracles: A bad resource for the friends of truth!

I conclude hence, that, to inculcate the necessity of miracles, as a proof of the divine mission of those who preach up new doctrines, would be to ruin the credit of the Reformation. Thus am I falsely accused of having done that, which I have endeavoured to avoid.

I have not as yet said all I intended on the chapter of Miracles; but what remains for me to say on that subject must not be divided; and the whole would make too long a letter, and it is now time to put an end to the present.

LETTER

LETTER THE THIRD.

I RESUME, Sir, the subject of miracles, which I have undertaken to investigate with you; and having already proved, that to establish their necessity would be to subvert protestantism, I shall now endeavour to find out their utility in proving the truth of revelation.

Mankind, having their heads so differently organized, cannot all be affected equally with the same arguments, particularly with regard to matters of faith. That which appears evident to one, sometimes seems not even barely probable to another. One person, from his particular turn of mind, is struck only by one kind of proof, and another only by proofs of a different nature. All may happen sometimes to agree about the same things; but it is very seldom they agree for the same reasons: a circumstance which shews, by the way, how foolish a thing controversy is in general; we might as well endeavour to make other people see with our eyes.

When God gives to man, therefore, a revelation which all are obliged to believe, it is necessary that it should be founded on proofs adapted to them all; and which ought
of

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of course to be as different as the comprehensions of those who are to adopt them.

On this principle, which appears to me just and simple, it hath been found, that God hath given to the mission of his ministers, those characteristics which render their mission obvious to all mankind, high and low, wise and foolish, learned and ignorant. Those among them, who have a brain capable of being affected by all its different characters, are doubtless very happy: but he who is affected only by some few is not to be complained of, provided he is sufficiently struck with them to be persuaded of its truth.

The first, most important, and most certain of these characters, is deduced from the nature of the doctrine; that is to say, its utility, its beauty *, its sanctity, its veracity, its sublimity, and all those other qualities

* I know not why the beautiful system of morality that is to be found in our books, should be imputed to the progress of philosophy. That morality is taken from the Gospel, and was Christian before it was Philosophical. The Christians taught it, I confess, without practising it. But what do the Philosophers more, except that of bestowing upon themselves a world of encomiums on this account; which, as they are repeated by nobody else, in my opinion prove but little. The precepts of Plato are often very sublime, but how frequently is he mistaken? And what strange lengths do his errors carry him? As to Cicero, it can hardly be believed that Rhetorician could ever have given the world his Offices, had he not borrowed from Plato. The Gospel alone is, with regard to morality, always certain, always true, always singular, and always consistent with itself.

which

which may serve to announce to mankind the instructions of supreme wisdom, and the precepts of supreme goodness. This characteristick is, as I have said, the most certain and infallible ; carrying with it a proof that dispenses with every other, but it is the most difficult to establish : it requires that study, reflection, knowledge, and investigation, which appertain only to men of logick and learning.

The second characteristick is in that of the persons being chosen by God to announce his word. Their holiness of life, their veracity, their probity, spotless purity of their manners, their virtues unfulled by human passions ; these, together with the qualities of understanding, genius, knowledge, and prudence, are so many respectable indices, the union of which forms a compleat proof in their favour, and tells us they are more than men. This is the most striking sign in the eyes of those honest people, who conceive the truth always to exist with justice, and hear the voice of God only from the lips of virtue. This character hath also its degree of certitude ; tho' it is not impossible it should deceive ; for it is nothing uncommon to see an impostor abuse the credulity of honest people ; nor even for an honest man to deceive himself, when fired by the ardour of an holy zeal which he may mistake for inspiration.

The third characteristick of persons sent from God, is an emanation of the divine power, capable of interrupting and changing the ordinary course of nature, at the will of those who are possessed of it. This character

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is indisputably the most brilliant of the three, the most striking and captivating at first sight: that, which, displaying itself by a sudden and sensible effect, seems to require less discussion and examination. For this reason it is that, which, in a peculiar manner, affects the common people, incapable of solid argument, and careful observation, and in every respect slaves to sense. It is this very circumstance, however, that renders this character equivocal; as will be proved hereafter: and, in fact, provided it strikes those whom it was intended to affect, what signifies it, whether it be apparent or real? This is a distinction they are not in a capacity to make; which shews that there is no mark truly certain, but that which is deducible from the doctrine; and that of course none but good reasoners can have a sure and solid faith: but so it is that divine goodness makes up for the weakness of the vulgar, and supplies them with proofs ready made to their hands.

I stop here, without enquiring whether this enumeration might, or might not, be carried farther. This would be an enquiry foreign to the present purpose: for it is clear that when all these characteristicks are united, they are sufficient to persuade, as well the learned and good, as the vulgar; and indeed all mankind, except ideots and madmen incapable of reason, and the wicked, who would not be convinced by reason.

These characters are then proofs of the authority of those who are possessed of them: they are the grounds on which we are obliged
to

to believe in what they say. When all this is done, the truth of their mission is established, and they are privileged to act as missionaries from God. The proofs are the means, the credit due to the doctrine is the end. Provided therefore the truth of the doctrine be admitted, it is a most ridiculous thing to dispute about the number and choice of the proofs; and if I am persuaded by one, it is time thrown away to endeavour to make me adopt others. It would at least be very ridiculous to pretend that a man does not believe what he professes to believe, because he does not believe it precisely for the same reasons that we do.

These appear to me clear and incontestible principles. Let us proceed to their application. I have declared myself a Christian; my persecutors say I am none. They prove that I am no Christian because I reject revelation, and they prove that I reject revelation because I do not believe in miracles. But one of these two things is necessary, in order to make this consequence just. Either miracles must be the only proof of revelation, or I must equally reject also the other proofs by which it is attested. Now it is not true that miracles afford the only proofs we have of the truth of revelation; and it is not true that I reject the other proofs; as, on the contrary, they are maintained in the very work, wherein I am accused of endeavouring to subvert revelation *.

* It is necessary to remark, that the Vicar, as a Catholic, as a

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This is precisely the state of the case. These gentlemen, determined to make me reject revelation in spite of myself, reckon as nothing that I admit it on such proofs as appear convincing to me, unless I admit it also on those which do not convince me, and because they do not, they say I reject revelation. Can any thing be conceived more unjust, or more extravagant? Judge yourself also if I have said too much; when they impute it to me as a crime, that I do not admit, as a proof, what Jesus did not give, but which he expressly refused.

He did not announce his coming at first by miracles, but by preaching. At twelve years of age he disputed in the temple with the doctors; sometimes asking them questions, and at others surprizing them with the sagacity of his replies. This was the commencement of his functions, as he himself declared to his mother and to Joseph *. He preached to the people the kingdom of heaven †, before he worked any miracle in the country, and had gathered together several disciples, without having given them any sign of the authority of his mission; the first miracle he

Catholick, might make many objections that would be none to a Protestant. Thus the scepticism, in which he remains, does by no means prove mine; particularly after the very express declaration which I have made at the close of the same paper.

* Luke, chap. xi. ver. 45, 47, 49.

† Matth. chap. iv. ver. 17.

worked

worked, being, as we are told, at Cana in Galilee*.

In the future display of his miraculous operations, they were shewn chiefly on particular and private occasions ; the choice of which was so far from appearing to make them serve as a publick testimony of his power, that whenever they were expressly demanded of him for that purpose, he always refused them. To prove this, turn to the history of his life ; remark in particular his own personal declaration on this subject ; which is so full and decisive, that you will find nothing to reply to it.

He was far advanced in his career, when the doctors, seeing him openly act the part of a prophet among them, thought proper to ask of him a sign, or proof of his mission. What should Jesus have answered according to your gentlemen ? Doubtless this : “ You ask of me a sign, you have already had an hundred. Do you believe I should come among you and declare myself your Messiah, without first giving some testimony of my being such ; as if I intended to force you to deny me, and to make you err involuntarily ? No. Cana, the Centurion, the Lepers, the Blind, the Paralytic, the Loaves and Fishes, all Galilee, all Judea, are able to depose in my favour. These

* John. chap. ii. ver. 11. I can hardly think any person will place in the number of publick signs of his mission, his Fast of forty days, and being tempted by the devil.

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are my signs and credentials, why do you affect ignorance of them?"

Instead of such an answer, we find, Sir, that Jesus only made the following:

"A wicked and adulterous people demand a sign, and it shall not be given them." Again, in another place, he adds: "No other sign shall be given them than that of Jonas the prophet;" and then, turning his back on them, he departed*.

Thus we see how Jesus, from the first condemning the madness of hunting after miracles, treated those who demanded them. Nor did this happen once only, but many times†. Now according to the system of your ministers, this demand was very reasonable and lawful, why then should he insult those who made it?

In whom now should we place confidence in this particular? On those, who maintain that, not to admit of miracles as a proof of the divine mission of Jesus, is to reject the Christian revelation, or on Jesus himself, who expressly declared he hath no sign to give.

They will ask, what then is the sign of Jonas the Prophet? I answer it is his preach-

* Mark viii. 12. Matth. xvi. 4. For brevity's sake, I have quoted these passages together; but I have preserved that distinction between them which is essential to the question.

† Compare the following passages, Matth. xii. 39, 41. Mark viii. 12. Luke xi. 29. John ii. 18, 19. iv. 48. v. 34, 36, 39.

ing

ing to the Ninivites, exactly the same sign which Jesus made use of to the Jews, as he himself explains it *. No sense can be given to the second passage but what is consistent with the first; if there were, Jesus would be made to contradict himself. Now in the first passage, wherein they demand a miracle as a sign, Jesus says positively he will give them none. In the second passage, therefore, he cannot mean any miraculous sign.

Will they insist that a third passage explains this sign by the resurrection of Jesus †? I deny it; it explains it at most by his death. Now the death of a man is no miracle; nor is it even a miracle that a body should be taken out of the grave three days after its interment. Not a word is said, in this passage, of the resurrection. Besides, what kind of proof would that be to authenticate himself during life, by a sign which was to happen after his death. This would be, indeed, to hide his candle under a bushel, and to lay out for nothing but Infidels. As such conduct would be unjust, this interpretation would be impious.

Besides, the unanswerable argument still remains. The sense of the third passage ought not to be inconsistent with the first; and in the first it is positively affirmed no sign shall be given of any kind. After all, be this as it may, it is sufficiently proved, by the testimony of Jesus himself, that if he did work miracles

* Matth. xii. 41. Luke xi. 30, 32.

† Matth. xii. 40.

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during his life time, he did not do it in proof of his mission.

Every time the Jews insisted on this kind of proof he always sent them away with contempt, without condescending to grant their request. He did not even approve of their taking his works of charity in that sense. "Except ye see signs and wonders, ye will not believe," said he to the nobleman who begged of him to cure his son*. Would he have spoke in this manner, if he had professed to give miracles as proofs of his mission? Was it not very astonishing, if he had given so many such, that the people should continue to demand them of him? "What sign shewest thou, then," said the Jews to him, "that we may see and believe thee? Moses gave our forefathers manna in the wilderness; but what work do'st thou†?" This, according to the notions of your Ministers, is just the same as if a person should absurdly, and, setting Majesty aside, address the King of Prussia in the following terms: "The world says you are a great General; but why so? What have you done to shew yourself such? Gustavus was conqueror at Leipzig and at Lutren; Charles at Frawstadt and at Narva; but where are thy monuments? What victory hast thou obtained? What place hast thou taken? What marches, what campaigns have done you honour? What right have you to the title of Frederick the Great?" The im-

* John iv. 48.

† John vi. 30, 31, & seq.

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pertinence of such an harangue is too obvious, for us to suppose any person of common sense could be guilty of it.

And yet, without putting to shame those persons who were guilty of the like, without working any miracle, without edifying them even by those he had worked, Jesus contented himself with allegorizing on the bread of Heaven. Thus his reply was so far from procuring to him new disciples, that several of those he had, and who doubtless were of the opinion of your Theologues, left him. Nay, this desertion was so general, that he even said, by way of reproach to the Twelve, "Will ye also go away?" He does not appear to have the conservation of those much at heart, who could not be retained without the force of miracles.

The Jews demanded a sign from heaven, and according to their system they were in the right. The sign, which should authenticate the coming of the Messiah, could not be too evident and decisive; could not be too free from suspicion, nor have too many ocular witnesses. As the immediate testimony of God is always better than that of men, they might depend with more certainty on the sign itself, than on the testimony of people, who might report their having seen such a one; and for this reason a sign from heaven was preferable to any thing done upon earth.

The Jews therefore acted with a reasonable view, because they wanted an apparent and wonderful Messiah. But Jesus answered them,

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them, in the words of the Prophet, that the kingdom of heaven, did not come attended by external shew; that he who foretold it, did not cry it aloud, nor would his voice be heard in the streets. All this does not favour of the ostentation of working miracles: nor was it the end he proposed by his. He neither gave them the splendor nor the authenticity, necessary to ascertain them for true signs, because he did not give them out as such. On the contrary, he enjoined the sick persons he cured, the lame which he restored, and the demoniacks he had delivered, to keep their recovery a secret. It seems rather that he wanted to keep his power of working miracles unknown: it will at least be acknowledged, that it was a strange method of giving proofs of his mission.

But all this explains itself, when we reflect, that the Jews required such a kind of proof, as Jesus did not intend should exist. "Whosoever receiveth not me," says he, "will be judged." Doth he add "the miracles which I have worked will be witnesses against you?" No; but "the word which I have preached unto you, will be your condemnation." The proof of Jesus's mission, therefore, is in his word; and not in his miracles.

We learn from the Gospel, that the miracles of Jesus were all useful; but they were performed without noise, without preparation, and without pomp; they were simple as his discourse, his life, and all his conduct. The most apparent, the most palpable of all, was

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indisputably that of the five loaves and two fishes, with which he fed five thousand persons. His Disciples were not only eye-witnesses of this miracle, but were in a manner instrumental in its operation; and yet they did not so much as think of such a thing, or suspect it. Is it to be conceived, that an action should be intended as a remarkable token to mankind, to which its most immediate witnesses did not pay the least attention*.

It should seem, indeed, that the real design of the miracles of Jesus was so far from being that of establishing a belief in him, that he began by requiring that belief, before he would work any miracle. Nothing is so frequent in the Gospel. It is precisely for this reason; it is because a Prophet has no honour in his own country that Jesus wrought few miracles in his †; it is even said that he could not do it, on account of their incredulity ‡. How is this? It was on account of their incredulity that he should have done the more, in order to convince them, if that had been the design of his miracles; but it evidently was not: They were simply acts of goodness, of charity, of benevolence, which he did in favour of his friends, and of those who believed in him. It was in such acts

* Mark vi. 52. It is said, *they considered not the miracle of the loaves, for their heart was hardened.* But who will presume to boast they have hearts more susceptible of sacred things than the chosen Disciples of Jesus?

† Mark vi. 5. ‡ Matt. xiii. 58.

that consisted those works of mercy, which were truly worthy of him, and which he said bore testimony of him*. These works display the power of doing good to mankind, rather than a design to strike them with astonishment: they are virtues † rather than miracles. And can it be supposed that supreme wisdom would take means so contrary to the end which it proposed? How comes it about, it should not foresee that the miracles, on which it would found the authority of its missionaries, should produce a contrary effect? that they would render the truth of the whole history suspected, as well with regard to the miracles, as to the mission; and that amidst so many solid proofs, this would only make sensible and ingenuous persons more scrupulous with respect to the rest? Yes, I will constantly maintain it, that the support, which is by this means intended to be given to our faith, is the greatest obstacle it has to encounter. Take away the miracles from the Gospel, and the whole world would immediately become Christians ‡.

* John x. 25, 32, 38.

† This is indeed the meaning of the original word made use of in Scripture, and which our translators have rendered miracles.

‡ When Paul was preaching to the Athenians, he was heard very patiently, till he spoke of a man raised from the dead; when some of his auditors smiled; and others said, *It is sufficient, we will hear thee another time.* I know not well what these our fashionable good Christians really think in their hearts;

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You see, Sir, it is attested by the Scripture itself, that with regard to the mission of Jesus Christ, the miracles are not signs so necessary to our faith, that we may not believe in that, without admitting of them.

We agree that other passages offer a sense contrary to these; the sense of these is as directly contrary to them; so that, making use of my undoubted privilege, I have made choice of that sense, which appears to me the most clear and rational. Had I the vanity to think of explaining every thing, I might, like a true Theologue, torture and twist every passage into my meaning; but sincerity doth not permit me to make such sophistical interpretations. My own sentiments being sufficiently authorized by what I comprehend *.

hearts; but, if they believe in Christ, on account of his miracles; I, for my part, believe in him, in spite of his miracles; and I have a notion that my faith is still better than theirs.

* Nor is my opinion so very singular, but that it is common to many divines, whose orthodoxy is better established than that of the clergy of Geneva. Here follows an extract from a letter, which one of those Divines wrote me, on this subject, the 28th of February, 1764.

“ Whatever may be advanced by the herd of our modern apologists for Christianity, I am persuaded that there is not a single word in the holy Scriptures, from which it may be justly concluded that the miracles were intended to serve as proofs to all men, at all times, and in all places. So far from it, it was not, in my opinion, their principal object with respect even to those who were actually eye-witnesses of them. When the Jews demanded a miracle of
St.

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I remain perfectly at ease with regard to what I do not ; and what those who pretend to explain it, comprehend as little as myself. The authenticity which I ascribe to the Gospel, I ascribe not to the interpretations of men ; and I no more intend to subject their opinions to mine, than I mean to submit mine to theirs. The injunction itself is general, and clear in its import. The understanding, which explains it, is particular ; and every person hath his own, which hath no authority over any but himself. To suffer ourselves to be influenced by others in this matter, is to substitute the interpretation in the place of the text ; it is to submit our judgments to the opinions of men, not to the revealed will of God.

St. Paul, all his answer was, the preaching of Christ crucified. Had Grotius, Vernes, Vernet, or the preachers of the Boyleian lecture been in the place of this Apostle, they would have been very earnest to have found means to satisfy a demand, which suits so well with their principles. These people think they do wonders with their numerous arguments ; but I hope it will one day become a matter of doubt whether they were not compiled by a society of Infidels ; without there being any necessity for another Father Hardouin."

Let it not be thought that the author of this letter is a partizan of mine. So far from it, he is one of my adversaries. He finds only that the others know not what they are about. Or perhaps he suspects still worse ; for the faith of those, who believe on the strength of miracles, will even be thought suspiciously of by men of knowledge and judgment.

But I shall return to my argument ; and having thus determined that miracles are not a sign necessary to faith, I shall proceed to shew, in confirmation of it, that miracles are not an infallible sign, or one of which men are capable to judge.

A miracle is, in a particular fact, an immediate act of divine power, a sensible change in the order of nature, a real and visible exception to its laws. Such is the idea, from which we must not wander, if we would be understood in reasoning on this subject. Now this idea presents two queries ; which it is necessary for us to resolve. The first is, Can the Deity work miracles ? that is to say, Can he break through those laws which he hath established ? To treat this question seriously would be impious, if not absurd ; to punish the man, who should resolve it in the negative, would be doing him too much honour : he should be confined to straw and a dark chamber. But then who hath ever denied the power of the Deity to work miracles ? A man must be a very Jew, to ask if God almighty could spread a table in the wilderness ?

The second question is ? Would the Deity work miracles ? This is another thing. This question, considered merely in itself, is perfectly indifferent. It by no means interests the glory of God, whose designs we cannot penetrate. I will go still farther, and say, if there were any difference with regard to faith, in the manner of answering it, the highest
ideas

FROM THE MOUNTAINS. 81

ideas we can entertain of the wisdom and majesty of the divine Being, would induce us to reply in the negative. It is nothing but human vanity that could object to it: Thus far can reason go, and no farther. As for any thing else, this question is futile and frivolous; as, in order to resolve it, we ought to be able to read the eternal decrees of Heaven; for, as we shall see presently, it is impossible to determine it by facts. Let us therefore beware of looking too curiously into these mysteries. Let us pay so much respect to the infinite Essence, as to come to no determination about an object, of which we know nothing but its immensity.

And yet when a mere mortal comes to us, and boldly affirms that he hath seen a miracle, he determines this great question at once: Judge then, if he ought to be believed merely on his own word. If there were a thousand, I should not believe them.

I do not trouble myself about the gross sophistry, of employing moral proofs to ascertain facts that are physically impossible; as in that case the very principle of credibility, founded on natural possibility, is in fault. Though men are willing, in such a cause, to admit of this proof in matters of mere speculation, or in regard to facts that are in no wise interesting, we may be assured they would be more difficult with respect to any thing that in the least affected their temporal interest. Let us suppose that a dead man should return to demand his estate and effects.

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of his heirs, affirming that he is restored again to life, and requiring to be admitted to prove it * : Is there a tribunal upon earth would grant him leave ? But not to enter as yet into this controversy. We will admit the facts to have all the certitude ascribed to them, and content ourselves with distinguishing between what is apparent to the sense, and what is deducible from reason.

As a miracle is an exception to the laws of nature, it is necessary, in order to enable us to judge of it, that we should be fully acquainted with those laws ; and in order to judge of it with certainty, that we should be acquainted with them all. For, if there should be but one we are ignorant of, it may in some circumstances unknown to the spectators alter the effect of those which may be known. Hence every one, who takes upon him to say that such or such an act is a miracle, declares himself to be perfectly acquainted with all the laws of nature, and that he knows this act to be an exception.

But where is the man who knows all the laws of nature ? Newton himself never pretended to such knowledge. A sensible man, being witness to an unheard of fact, may affirm that he saw such a fact, and we may believe him. But neither that sensible man,

* It is particularly to be observed, that in this supposition is meant a real and absolute resurrection, and not the return of a man supposed to be dead.

FROM THE MOUNTAINS. 83

nor any other sensible man upon earth, will take upon him to affirm that such fact, how new and astonishing soever, is a miracle : for how can he know it ?

The most that can be said in favour of a person, who boasts his working miracles, is, that he does things very extraordinary ; but who will deny the possibility or reality of things very extraordinary ? I have myself seen, and even done them*.

New discoveries are daily made in the operations of nature ; while human industry is hourly proceeding towards perfection. The curious art of chemistry alone hath its transmutations, precipitations, detonations, ex-

* In the year 1743, I saw, at Venice, a new and stranger method of discovering fortunes than those of Preneste. The person who would make use of it, went into a chamber and there remained alone if he desired it. Upon a table lay a book full of blank leaves, of which he took out any one at pleasure : then holding the leaf in his hand, he demanded not aloud, but mentally, what he wanted to know. After which he folded up his blank leaf, sealed it, and placed it again in the book thus sealed. He proceeded then to repeat a set form of barbarous odd-sounding words, without the book's being taken out of his sight. He then took out the paper, saw the seal was unbroken, opened it, and found the answer to his question written therein.

The magician, who managed this piece of conjuration, was the first Secretary to the French Ambassador, and his name was J. J. Rousseau. I contented myself with being a conjurer, because I was modest ; but if I had had the ambition of becoming a Prophet, what could have prevented me ?

plosions, its phosphorus, its earthquakes, and a thousand other wonders, to operate on the beholders. The oil of guaiacum and spirit of nitre are liquids not very uncommon: mix them together, and you will see what will happen. But beware of making this experiment in a chamber, lest you set fire to the house*. Had the priests of Baal had Mr. Rouelle among them, their altar had taken fire also, and Elias had been duped.

Mix two certain limpid and transparent fluids together, and they become instantaneously black as ink. Again, mix two others together, and they will be converted into a solid opaque body. If a prophet of the College of Harcourt should go into Guinea, and say to the people; "Acknowledge the power of him who sent me; behold, I am able to convert water into stone;" and then, making use of means known to the merest tyro in physical experiment, he should convert water into ice: Would not the Negroes be all ready to adore him?

The Prophets of old brought down fire from Heaven at their demand; in these times we see children do the same by means of a little bit of glass. Joshua made the Sun stand still; a modern almanack-maker makes him undergo an eclipse; a much more palpable prodigy. The Cabinet of the Abbé Nollet

* There are some precautions to be taken in order to succeed in making this experiment; but I imagine I shall be excused from giving the recipe here.

FROM THE MOUNTAINS. 83

is a laboratory of magick, and the mathematical recreations are a collection of miracles. Nay, the very fairs swarm with miracle-mongers; the North-Holland boor, whom I have seen twenty times light a candle with his knife, hath the means of subjecting a whole people, even at Paris. What do you think he might not have done in Syria?

The fairs of Paris afford a very singular entertainment. Not one passes without presenting the most astonishing sights; to which the publick hardly pay any attention: so much is it accustomed to see wonderful sights, and even those it is incapable of comprehending. While I am now writing, there are to be seen two separate portable machines, one of which walks about, or stands still, at the pleasure of the person who moves the other. I have seen a wooden head that spoke, and yet was as little talked of as that of Albert the Great. I have even seen a thing still more surprizing; which is that of men, learned, academicians, running in crowds after miracles and convulsionaries, and returning highly astonished and edified.

With such instruments as Cannon, the Loadstone, the Barometer, and optical Instruments, what prodigies might not be worked among ignorant people? The Europeans have, in consequence of their arts, always passed for Gods among the Barbarians. And yet, if in the midst even of these arts, of sciences, colleges, and academies; if in the midst of Europe, in France or in England, a person had started up,
in

in the last century, armed with all those miracles of Electricity, which are now common to the meanest of our experimentalists, it is certain he would have been burnt for a forcerer, or followed as a prophet.

I know not if the art of healing be discovered ; or whether it ever will : but I know that it is not out of nature. It is certainly as natural for a man to grow well as to fall sick : he may also be as well cured suddenly as die suddenly. All that can be said against certain cures, therefore, is, that they are very surprising ; but not that they are impossible ; how do you prove, then, that they are miraculous ? I must, confess, however, that there are things which would astonish me much, were I an eye-witness of them. Not that I should be so much astonished to see a lame person enabled to walk, as to see one walk who had no legs ; or to see a man struck with the palsy move his arm, as to see a man who had but one arm, have two. This, I own, would strike me much more than the raising a man from the dead : for, after all, a dead man may not be actually dead *. See the book of Mr. Bruhier.

* *Lazarus was already buried.* But was he the first man that ever was buried alive ? *He had been in the grave four days.* Who had counted them ? Jesus had not been absent. *He already stunk ?* How do we know that ? His sister said so. That was all the proof. The fright and disgust might have made any other woman say the same, even though it had not been true. *Jesus only called to him, and he came forth.* Let us beware of false reasoning. We are speaking of a miracle, a physical impossibility ; but this is not such.

Jesus

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However striking such a sight might be, I would not see it for all the world; for, how do I know what might happen? Instead of making me a believer, it might possibly make me crazy: but I am not here to talk of myself. Let us return.

There hath been lately discovered a method of recovering persons to life, after they have been drowned: a method hath been also attempted to recover such as have been hanged. Who knows but means may be found to restore life to persons dying from other causes? The art of removing a cataract was formerly unknown; at present it is familiar to the surgeons. Who knows but there may be a method, at present unknown, to remove it instantaneously. Who knows if the possessor of such a secret might not do that with simplicity, which an ignorant spectator might take for a miracle, and a partial writer relate as such †. All this,

Jesus made much more preparation in other cases that were not more difficult. See the following note. Why this difference if all were equally miraculous? The present may possibly be an exaggeration; nor is it the greatest St. John hath made; witness the last verse of his Gospel.

† We sometimes find in the circumstances of these relations, a gradation that by no means agrees with a supernatural operation. When a blind man is presented to Jesus, instead of curing him instantaneously he takes him out of the crowd. There he anoints his eyes with spittle, and lays his hand on him; after which he asks the man if he sees any thing. The blind answers, that he sees men walking about, that look like trees. On which, concluding that the first ope-

you will say, is improbable : be it so. We have no proof that it is impossible, and we are here talking of a physical impossibility. Without this, the Deity, in displaying his power, could give us only apparent signs, and simple probabilities : and it would thence follow, that the authenticity of miracles being founded only on the ignorance of those for whom they were intended, what might be miraculous to one age or people, would not be so to others ; so that, the proof being deficient in point of universality, the system built on it must fall to the ground. No, give me miracles that will remain such, whatever happen, in all times and in all places. If many of those which are recorded in the Bible, appear to stand in this predicament, there are others which do not. Answer me, then, most learned Theologist, do you insist that I shall take them all in the lump ; or do you permit me to pick and chuse ? When

operation had not been sufficient, Jesus repeated it ; and the man was cured. At another time, instead of employing mere spittle, he mixed it with clay.

Now, I ask how-all this was necessary to the working of a miracle ? Could nature resist the will of her master ? Was he obliged to exert any force or perseverance, to make himself obeyed ? Had he occasion for spittle, clay, or other ingredients ? Had he even occasion to speak aloud ? Was it not sufficient that he should mentally will the deed to come to pass ? Or shall we presume to say that Jesus, though certain of his fact, made use of the petty arts of a mountebank, in order to display his skill to greater advantage, and amuse his spectators ? And yet, according to the notions of your Ministers, it is necessary for us to do one or the other.

you

FROM THE MOUNTAINS. 89

you have determined this point, we shall see farther.

You will please to observe, Sir, that, in supposing at most an amplification of circumstances, I do not found any doubt at bottom, of the reality of the facts. Having said this before, it is indeed superfluous to repeat it. Jesus, enlightened by the Spirit of God, was possessed of knowledge so superior to that of his disciples, that it is not surprizing if he did many extraordinary things, of which the ignorance of the spectators made prodigies, though they were really none. How far also might he not go, by virtue of these superior lights, in acting by means new and unknown to them, as well as to us *. This is what we neither know, nor are able to know. The spectators of marvelous things are naturally led to cry them up with exaggeration. In deceiving others on this head, therefore, men may frequently, without ill intention, deceive themselves. When things are ever so little above our own knowledge or comprehension, we are apt to think them above that of human reason

* Our Divines strongly insist, that I have represented Jesus as an impostor; affecting warmth in their answers to this scandalous accusation, in order to make it believed that I am guilty. Pious creatures! How would these candid Christians triumph if they could pick up a word of blasphemy in my writings! What satisfaction, what edification it would give their charitable souls! With what holy joy would they bring matches, lighted by their zeal, to burn me at the stake!

in general, and the mind is at length induced to see a prodigy, where the heart is so strongly inclined to find one.

Miracles, as I have already observed, are proofs calculated for the weak and simple, for whom the laws of nature form a very narrow circle round them. But this sphere extends in proportion as men grow enlightened, and as they come to perceive how much remains for them to know. With the natural philosopher the limits of this sphere are at so great a distance, that he sees no miracle within them. *That cannot be*, is an expression seldom made use of by the sages; with whom it is more frequent to say, *I don't know*.

What ought we, therefore, to think of the many miracles related by authors; honest, I doubt not, but so very ignorant, and so full of zeal for the glory of their master? Ought we to reject all their facts entirely? No. Ought we to admit of them entirely? I cannot pretend to determine*. We ought to respect

* There are some recorded in the Gospel, which it is absolutely impossible to take in the literal sense, without giving up our understanding. Such, for example, is the story of the Demoniacs. The Devil is known by his works, and the actually possessed are the wicked. Reason will never acknowledge any other. But to go on.

Jesus demands of a groupe of Demons, what is their name? How, have the Devils names? Have Angels names? Have pure spirits names? Doubtless they have names among themselves, to call each other by. But who gave them those names? In what language are the words? Whose lips pronounce them?
Whose

FROM THE MOUNTAINS. 91

them, without deciding any thing of their nature, though we should be ever so often prosecuted for it. For, after all, the authority of the laws cannot extend so far as to oblige us to reason falsely; and yet this we must do to find a fact miraculous in which reason sees only something extraordinary.

What if it were true that the Catholics have a certain way to make this distinction with respect to themselves, how would this affect us? According to their notions, when the Church hath once determined any particular fact to be a miracle, it is a miracle; for the Church is infallible. But I have not to do at present with Catholics, but with Protestants. The latter have very properly refuted some parts of the Vicar's profession of faith; which, being written only against the Roman Church, neither can nor ought to prove any thing against

Whose ears are affected by the sound? Their name was *Legion*, for they were many; a circumstance which Jesus apparently did not know. These Angels, these sublime intelligences as well in evil as good, these celestial beings, which could revolt against God, who dared to contravert his eternal decrees, were lodged all huddled together in the body of a man: Which being compelled to abandon, they besought leave to enter into a herd of swine. This leave being granted them, the swine precipitated themselves into the sea and were drowned. Are such the august proofs of the mission of the Redeemer of mankind, those proofs which ought to certify it to all people, in all ages, and of which none are permitted to doubt? Good God! Is it possible to think it? And are these, Gentlemen, the grounds of your faith? Mine appear to me much more certain.

them.

them. The Catholicks may, in like manner, easily refute these letters, because I have here nothing to do with the Catholicks, and our principles are by no means theirs. When my adversaries come to shew that I have not proved, what in fact I did not intend to prove; here they triumph.

From what is here advanced, I conclude, that mere facts, though ever so well attested, and admissible in all their circumstances, serve to prove nothing; and that we may suspect an exaggeration of their circumstances, without suspecting the sincerity of those who have related them. The discoveries which are daily making in the laws of nature, those which probably will be made hereafter, and those which may ever remain to be made; the past and present progress of human industry; the different bounds which people set to the possible and impossible, according as they have more or less knowledge; all these things serve to prove that we are unacquainted with those bounds. And yet, in order to a miracle's being really such, it must surpass them. Whether there be truly any miracles or not, therefore, it is impossible for a wise man to be assured that any fact whatever is truly such.

Independent of the proofs of that impossibility which I endeavour to establish, there is another no less forcible in the supposition itself. For, supposing that real miracles have been performed, of what utility can they be, if false miracles are also recorded, and we are incapable to distinguish them from the true? It is to
be

be observed here, that I do not call a false miracle a fact that hath not really happened, but a supernatural operation effected to support a false doctrine. As the word *miracle*, taken in this sense, may be offensive to pious ears, let us employ another word, and give such facts the name of *delusions*. But let it be remembered, that it is impossible for human sense to discern a delusion from a miracle.

The same authority which confirms the miracle confirms also these delusions; proving farther that to all appearance they differed in nothing from the miracles themselves. How then were they to be distinguished one from the other? and who could prove the miracle, if the eye-witnesses of it could not discover, by any certain token deduced from the thing itself, whether it were the work of God or the work of the devil? It would require a second miracle to certify the first.

When Aaron threw down his rod in presence of Pharaoh, and it was changed into a serpent, the magicians of the court threw down their rods, and they became serpents likewise. Now, whether this change was real on both sides, as is related in Scripture; or whether it were only a real miracle on the side of Aaron, and the delusion of the magicians was merely apparent, as the divines affirm, it is no matter: the appearance of both was exactly the same. The book of Exodus makes no mention of any difference; and if there had been any, the magicians would have been careful of exposing themselves by the comparison; or, if
they

they had done it, would of course have been confounded.

Now mankind cannot judge of miracles but by their senses, and if their perception be the same, the real difference which they cannot perceive, passes for nothing. Thus the sign, merely as a sign, proves no more on one side than on the other; and the prophet hath no more advantage in this than the magician. If you will impute the force of this argument to my fine stile, you must agree it requires a much finer to refute it.

It is true that the serpent of Aaron devoured the serpents of the magicians. But if the force of magick were admitted, Pharaoh could conclude nothing more from what he saw, than that Aaron was a greater master in his art. Thus Simon, delighted with the wonderful things done by Philip, wanted to purchase of the Apostles the secret of doing like them.

Besides, the inferiority of the magicians arose only from the presence of Aaron. When Aaron was absent, they, by producing the same signs, had an apparent right to pretend to the same authority. The sign in itself, therefore, proved nothing.

When Moses changed the water into blood, the magicians changed the water into blood. When Moses produced frogs, the magicians produced frogs. They failed, indeed, in attempting the third plague. But let us confine ourselves to the two first, which God himself hath made

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made the proof of his divine power *. The magicians also produced this proof.

As to the third plague, which they could not imitate, it is not very evident what could render it so difficult, so far as to point out the finger of God in the exception. Why should not those who were able to produce an animal, be able to produce an insect? And how comes it, that after having produced frogs, they should not be able to produce lice?

The same Moses, instructed by all these experiments, declares, that if a false prophet should come to preach any other gods, that is to say, a false doctrine, and that if this false prophet should confirm what he says by prophecies or miracles, he ought not to be heard, but to be put to death. So that true signs, we see, may be employed in behalf of a false doctrine; the sign in itself, therefore, proves nothing.

The same doctrine of delusive signs is confirmed in many other places of Scripture. Besides, after having declared that he himself will work no miracle, Jesus foretells the coming of false Christs, and false prophets, "who shall shew great signs and wonders, insomuch that, if it were possible, they shall deceive the very elect †." Would not one be almost tempted, from this passage, to think that signs were rather proofs of falshood than truth?

* Exodus vii. 17.

† Matth. xxiv. 24. Mark xiii. 22.

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How shall the Deity, who is free to make choice of what proofs he pleases, when he speaks to mankind, prefer such as necessarily suppose we are possessed of knowledge which he knows we have not? Can he employ the same means to instruct them, as he knows the devil takes to deceive and impose on them? Is such a conduct worthy of the Deity? Can it be that God and the devil act in one and the same manner. This is what I cannot easily conceive.

Our modern Theologues, who are better reasoners, but have less sincerity than the anti-ents, are much embarrassed about this magick: they would be glad if they could to get quite rid of it. But they dare not: to deny it, they find, would be denying too much. These people, so dogmatical and peremptory in other cases, here change their tone: they will neither deny nor admit: but betake themselves to the arts of tergiversation and equivocation. I imagine, Sir, I have now plainly pointed out to you where the difficulty lies. But that nothing may be wanting to illustrate it, I shall place it in dilemma.

If we deny the delusions, we cannot prove the miracles; because both are founded on the same authority.

And if we admit of both, we have no precise and certain standard by which to distinguish the one from the other.

So that miracles serve to prove nothing.

I know that our divines, being thus closely pressed, have recourse again to the nature of the doctrine: but they kindly forget that, if the
doctrine

doctrine be established, the miracle is superfluous, and that, if it is not, it proves nothing.

Pray be not here led into a mistake, nor conclude, because I do not look upon miracles as essential to Christianity, that I therefore reject miracles. No, Sir, I neither have rejected them, nor do reject them. If I have given my reasons for doubting the truth of them, I have not dissembled my reasons for believing them. There is a very wide difference between denying a thing and the not affirming it; between positively rejecting it and negatively not admitting it. And I have taken so little upon me as to the decision of this point, that I defy any one to find a single passage, in all my writings, in which I have spoken in the affirmative against miracles. And indeed how should I, notwithstanding my doubts, since in cases the most clearly determinable I have declined affirming any thing. What affirmations can a writer be supposed to make in his book, who speaks as follows in his Preface*.

“With regard to what may be called the systematical part of this treatise, which is nothing more than the progressive System of nature, this will probably most perplex the reader; on this head, therefore, I shall doubtless be attacked, and perhaps with reason. It may be objected to me, that my book contains rather a heap of reveries than a treatise. But what must be done? I do not compose a dissertation from the ideas of

* See Preface to *Emilius*.

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others ; but write immediately from my own. I do not see things altogether in the same light as other people ; and have been frequently reproached on that account. But does it depend on me to give myself new eyes, or to be affected with new ideas ? No. It is my fault, indeed, if I am too vain of my own manner of conception, if I believe myself alone to be wiser than all the rest of the world. It is not in my power to change my sentiments but to distrust them : this is all I can do, and this I have done. If I sometimes assume an affirmative tone, therefore, it is not with a view to impose my notions on the reader, but only to tell him what I really think. Why should I propose any thing to him in the form of a doubt, of which I harbour not the least doubt myself ? I only tell him exactly what passes in my own mind.

“ In speaking my opinion freely, I am so far from imposing it as an authority, that I always annex my reasons ; to the end that the reader may weigh them, and judge for himself. Tho’ I am not obstinate in the defence of my own sentiments, however, I think myself not the less obliged to propose them ; as the maxims, about which I differ widely from other people, are far from being unimportant. They are such whose truth or falshood it is of consequence for us to know ; and on which depends the happiness or misery of mankind.”

Can an author, who knows not whether he is not himself mistaken, who is afraid lest all he says may be only a collection of reveries ; who, without being able to change his sentiments,

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ments, is yet diffident of them ; who assumes not an affirmative manner to impose them on the publick, but only to speak as he thinks ; who, without seeking to establish his own authority, gives always his reasons, that every one may judge for himself ; and who does not obstinately persist in the defence of his own notions ; an author, who expresses himself to this purpose in the Preface to his book ; can such an author, I say, be charged with the design of pronouncing oracles ? Can he be said to impose his decisions on others ? On the contrary, doth he not, by this preliminary declaration, include even his strongest assertions among the number of his doubts ?

Let it not be said that I go contrary to these engagements, in persisting here to defend my opinions. This would be the height of injustice. It is not my opinions that I defend here, but my person. If my writings only had been attacked, I should have persevered in keeping silence. This was my determined resolution. Since the declaration I made in 1753, have I answered any one, or have I been silent for want of aggressors ? But when I am prosecuted and condemned ; when I am abused for having said what I have not said, it is necessary for me, in my own defence, to shew that I have not said it. It is my enemies who force me, against my will, to take up the pen. Ah ! would they but let me alone, I assure them, very sincerely, I should never trouble the publick.

This may serve as an answer to the objection, which I have thus prevented being retorted on me ; viz. that of setting up myself as a reformer, by opposing the opinions of all my cotemporaries. For nothing surely can have less the air of bravado than the stile I have used. To speak with so much diffidence and circumspection is very far from assuming the air of a prophet. I thought it my duty to speak my sentiments with regard to certain useful and important points: But have I said a word, have I taken one step, in order to get them adopted by others? Hath any body seen, in my conduct, the behaviour of a man, who endeavoured to place himself at the head of a sect.

In transcribing the particular paper also, which hath unexpectedly irritated so many zealots, I advertised the reader that he ought to be diffident of my judgment ; and that his own should determine whether any useful reflections might be drawn from that piece. I neither proposed my own creed, nor that of any other man, as a standard for others, but submitted it to their examination*.

After having finished the transcript also, I annexed the following notice :

“ I have transcribed this paper, not as a rule of faith, which ought to be adopted respecting matters of religion ; but as an example of the manner in which the pupil should be reasoned with, in order not to depart from the method

* Emilius, vol. ii. page 291.

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of education I have endeavoured to establish. While no regard is paid to human authority, nor to national prejudices, the light of reason can lead us no farther in our investigations than to the Religion of Nature; and to this I would have confined myself in the education of Emilius. If he ought to have another, I had no right in that to be his guide: it was his place to chuse for himself*.

Where is the man, after this, impudent enough to accuse me of having denied the authenticity of miracles; which is not even denied in this paper, nor in any other part of my writings†.

What! because the author of a paper, published by another person, introduces in it a reasoner whom he disapproves‡, and who, in a dispute, rejects miracles; it must thence follow, truly, that not only the author of that paper, but the editor of it also, rejects miracles! What a heap of absurdities! It is too common for such presumptions to be admitted in the heat of a literary dispute; but are they to be taken for proofs in a court of judicature? This is a species of law enough to terrify a man of the greatest resolution and probity, who has

* Emilius, vol. iii. page 162.

† I have spoken of them in my Letter to the Archbishop of Paris: but no fault hath, it seems, been found with that Letter; nor is it on the contents of that Letter that the proceedings against me are founded; which was commenced before that Letter appeared.

‡ Emilius, vol. iii. page 112.

the misfortune to live under the jurisdiction of such magistrates.

The author of the Profession of faith proposes his objections against the utility, as well as the reality of miracles: but these objections are not negations. The strongest thing he says on this head is the following: "It is the
 "unalterable order of nature that best displays
 "the supreme Being. If to this there are
 "many exceptions, I can hardly tell what to
 "think of it; and, for my part, I believe too
 "sincerely in God, to believe in so many mi-
 "racles so little worthy of him."

Now, what does all this amount to? To this; that the great multiplicity of miracles renders them, in the opinion of the author, suspicious: That he does not admit of all miracles indiscriminately; and that his veneration for the Deity induces him to reject all those which appear to be unworthy of him. What! does he who cannot admit of all miracles, necessarily reject all miracles, and must we believe in all the legendary prodigies transmitted us, in order to believe in the Ascension of Christ!

To crown all; so far are the doubts, contained in the second part of the Profession of faith from being liable to be taken for negations, that, on the contrary, the very negations contained in it ought to be taken only for doubts. This the author declares at the very beginning, with regard to the sentiments he contraverts. "Impute not (says he) any other
 "authority to my discourse than that of rea-
 "son."

“son. I know not if I am in an error. It
 “is difficult, in discussions of this kind, not
 “to assume sometimes an affirmative manner;
 “but you will remember, that all my affirma-
 “tions here are to be doubted*.” Can a wri-
 “ter speak more positively?

As to myself, I find the facts attested in the holy Scriptures: this is enough to make me suspend my judgment in this point. If they were in any other book, I should either reject the facts, or should not give them the name of miracles; but because I find them in the Scripture I do not reject them. At the same time I am as far from admitting them, because they appear contrary to reason, and my salvation is not interested in the determination. No judicious Christian can believe, that every thing contained in the Bible, even to the very words and typographical errors, must be inspired. All that we ought to believe inspired, is what relates to our duty; for to what purpose should God give the rest by inspiration? Now the doctrine of miracles is not of this kind, as I have already proved. So that the opinion we may entertain of them, hath nothing to do with the veneration due to the holy Scriptures.

Besides this, it is impossible, as I have also proved, for mankind to be assured, respecting any fact whatever, that it is a miracle†. Ad-

* Emilius, vol. iii. page 96.

† If these gentlemen say that this is determined in Scripture, and that I ought to acknowledge as a miracle every thing recorded there as such: I answer, That this is the point in question, and that by this

mitting, then, all the facts contained in the Bible, we may reject miracles without being either impious, or without being inconsistent. Not that I have proceeded so far.

Thus do these Gentlemen deduce from miracles, which are not certain, nor necessary, which prove nothing, and which I have not rejected, their pretended evidence, that I endeavour to subvert the foundations of Christianity, and am not a Christian.

It would tire you too much to enter with me into a like circumstantial enquiry into the other accusations which are heaped upon me, in order to cover, by their number, the injustice of each in particular. They accuse me, for example, of rejecting prayer. But turn to my book, and you will find a prayer in the very passage in question. The pious speaker*, indeed, does not believe it absolutely necessary to

argument they reason only in a circle. For if they would have miracles serve as a proof of revelation, they ought not to employ the authority of revelation to confirm the miracle.

* A certain Minister of Geneva, doubtless very strict in his own system of Christianity, by the judgment he passed on mine, affirms that I have said, I, John James Rousseau, that I never pray to God. He asserts it in express terms, five or six times successively, always mentioning me by name. I would pay all due respect to the Church, but may I not venture to ask him where I have said this? It may be lawful for a man to waste his time and paper in idle controversy; but it is by no means consistent with the character of a good Christian to be a public calumniator.

ask

ask any thing of God in particular *. Not that he disapproves of such practice. As to myself, says he, I never do it, being persuaded that God is a good father, who knows best what is proper for his children. But can we render him no other worship equally worthy of him? The homage of a zealous heart, adoration, praise, the contemplation of his greatness, the acknowledgment of our own insignificance, resignation to his will, submission to his law, a pure and holy life; would not all these be as acceptable as interested and mercenary prayers? The best way to ask any thing of a just God is to deserve it. Do the angels, who constantly surround his throne with their praises, ever pray to him? What have they to ask of him? This word *prayer* is often employed in Scripture for *homage*, or *adoration*.

* *When you pray*, saith Jesus, *pray thus*. When we pray verbally, it is right to prefer the form thus prescribed; but I do not see that any injunction is here laid on us to pray verbally. Another mode of prayer is preferable; that is, to be resigned to whatever is the will of God. *I come, Lord, to do thy will*. Of all set forms of prayer, the Lord's Prayer is undoubtedly the most perfect; but an entire resignation to the will of God is still more perfect. *Not as I will, but as thou wilt*. What do I say? This is the Lord's Prayer itself; the whole of which is, in fact, contained in these words, *Thy will be done*. Every other prayer is superfluous, and only contradicts this.

It is possible the man who thinks thus, may be mistaken; but certainly he who publicly accuses him, on this account, of endeavouring to subvert Christianity, and of not being a Christian, can be very little of a Christian himself.

For my own part, I reject no method of honouring God, and have always approved of our uniting with the church in prayer. I do it myself. The Savoyard priest did the same*. The paper which is so violently attacked, is full of all this. But no matter for that: it is said, I reject the use of prayer, and ought to be burnt for impiety. Thus am I condemned.

I am farther charged with having accused the Christian system of morals, of rendering all our duties impracticable, by carrying them to an excess. Now the Christian system of morals is that of the Gospel: I know of no other. It is in this sense also understood by my accuser; since it is from the imputations, in which this is comprized, that he concludes, a few lines after, that I give the Gospel the appellation of divine by way of derision †.

But nothing can be more palpably false and disingenuous than such an accusation; as, in the passage to which this accusation relates, it is evidently impossible that I could mean to speak of the Gospel. It is in the fourth volume of Emilius, and runs thus:

“ In subjecting modest women only to these melancholy duties, every thing is banished from a state of matrimony, which should make it agreeable to the men. Is it to be wondered at that the gloomy taciturnity they find at

* Emilius, vol. iii. pag. 145.

† Letters from the Country, page 11.

home,

home, should drive them abroad ; or that they should be so little inclined to enter into so disagreeable a state? By carrying all its duties to an excess, Christianity renders them impracticable and vain ; by prohibiting married women the exercises of singing, dancing, and the other amusements of the world, they are made gloomy, querulous, and insupportable in their own houses."

But where doth the Gospel forbid married women either to sing or dance? Where hath it subjected them to none but gloomy and melancholy duties? On the contrary, it hath spoken of the duty of husbands, but it says not a word about those of the wives.

It is, therefore, injurious to represent me as saying that of the Gospel, which I say only of the Jansenists, the Methodists, and other modern devotées ; who make Christianity a religion as unpleasant and terrible *, as it is pleas-

* The primitive Reformers ran at first into this excess, with a severity that gave rise to a number of hypocrites ; in all which the Jansenists did not fail to imitate them. One Henry de la Mairie, a Minister of Geneva, maintained in the pulpit, that it was a sin to go to a wedding more joyfully than Jesus Christ went to his Crucifixion. A certain Jansenist Curate maintained, in like manner, that wedding feasts were the invention of the devil. Some of his auditors objecting, that Jesus Christ had nevertheless countenanced them by his own presence, and that he had even condescended, on such an occasion, to work his first miracle, in order to prolong the feast ; the Curate, a little embarrassed, replied, grumbling : *At well ; that was not the best thing he did.*

ing and agreeable under the genuine law of Jesus Christ.

I would by no means assume the tone of father Berreyer, whom I am not fond of, and think besides to be in very bad taste; but I cannot forbear saying, that one of the circumstances which charms me most in the character of Jesus, is not only the candour and simplicity of his manners, but the ease, the grace, and even the elegance of them. He neither avoided amusements nor feasts, but went to weddings, visited women, played with children, used perfumes, and eat with publicans. His disciples fasted not, nor was his austerity troublesome. He was at once both just and indulgent; mild to the weak, and terrible to the wicked. His morality had something in it tender and attractive; he had a susceptible heart, and was a man of a very social turn. Had he not been the wisest of mortals, he had still been the most amiable.

Certain passages of St. Paul, exaggerated and misunderstood, have made a number of fanaticks; and these fanaticks have often disfigured and disgraced Christianity. Had they confined themselves to the spirit of their great master, this had never happened. Let them accuse me, if they will, of not being always of the opinion of St. Paul; they may reduce me to the necessity of proving that I have sometimes reason on my side for dissenting from him. But it will not follow hence, that I called the Gospel divine out of derision.

FROM THE MOUNTAINS. 109

sion. Yet thus it is that my persecutors reason.

But I perceive that I have trespassed on your patience with these tedious circumstances; hoping your excuse, therefore, I put an end to them. I have already said more than is necessary for my defence; and am myself wearied with replying constantly by reasons, to accusations without reason.

LETTER

LETTER THE FOURTH.

I HAVE shewn you, Sir, that the imputations deduced from my books, to prove that I have attacked the religion established by law, are entirely false. It is on these imputations, however, that I have been judged culpable and treated as such. At present we will suppose that I was really so, and will enquire into the nature of the punishment due.

Ainsi que la vertu le vice a ses degrés.

A man is not guilty of every crime because he is guilty of one. Justice consists in adapting the penalty exactly to the fault; its extreme severity being in itself an injury, when it pays no regard to those reasonable considerations, which ought to moderate the rigour of the law.

The crime supposed real, it remains to enquire what is its nature, and what kind of proceeding your laws in such a case prescribe.

If I have violated my oath as a citizen, and as I am accused, I have committed a crime against the state, and the cognizance of this crime belongs directly to the council. This is indisputable.

But

LETTERS WRITTEN, &c. III

But if all my crime consists in my falling into an error in point of doctrine ; such error, even tho' it amounted to impiety, is quite a different thing. According to your edicts, it belongs to another tribunal to take cognizance of it, in the first instance.

And were my crime even a crime against the state, yet if, in order to declare it such, the point of doctrine were first necessary to be determined, it does not belong to the Council to make that determination. It belongs to the Council indeed to punish the crime, but not to ascertain it. This is openly declared by your edicts, as will be shewn hereafter.

The question is first, whether I have violated my oath in quality as citizen, that is, the oath which was taken by my ancestors, when they were admitted to the burghership : for, as to my own part, having never resided in the city, nor discharged any of the offices of citizen, I have never taken the oath. But to proceed.

In the form of the oath there are two articles only that affect my crime. According to the first we engage *to live according to the reformation of the holy gospel*; and by the last, *to suffer no practices, machinations, nor attempts against the reformation of the holy gospel*.

Now so far have I been from infringing the first article, that I have conformed to it with a fidelity and even a severity that hath few examples, openly professing my religion even among the Catholics, altho' I formerly had been of their community. Nor can my separation, the effect of the inconsiderateness of my youth, be
looked

looked upon as an infringement of my oath; especially since my authentick reunion to your church in the year 1754, and my re-establishment in the rights of a citizen, a circumstance well known at Geneva, and of which I have besides positive proofs.

It can as little be said that I have infringed this first article, in writing the books which have been condemned; as I have never failed throughout, to declare myself a protestant. Besides, there is a wide difference between a man's moral conduct and his writings. To live according to the Reformation, is to profess the reformed religion, however a man may be mistaken with regard to doctrinal points in his writings, or be guilty of other sins, which are offensive to the Deity, but which do not in themselves cut off the delinquent from communion with the Church. This distinction, were it otherwise disputable, is indeed made in the oath itself; as two articles are made of what could make but one, if the profession of a religion was incompatible with every enterprize against religion. By the first we swear to live according to the Reformation, and by the last to undertake nothing against the Reformation.

These two articles are very distinct, and even separate from many others. In the sense of the Legislature, therefore, they are distinct and separate; so that if I really had violated the last article, it does not follow that I have violated the first.

But have I violated the last?

The

FROM THE MOUNTAINS. 113

The author of the Letters from the Country affirms that I have. Hear what he says, page 30.

“The oath of the citizens imposes on them this obligation, *that they shall neither enter into, nor suffer to be entered into, any practices, machinations, or enterprizes against the holy evangelical reformation.*” It seems, however, to be *a little* * tending toward such practices and machinations against the reformation, to endeavour to prove, in two such seductive performances, that the pure Gospel is in itself absurd and pernicious to society. The Council, therefore, were obliged to take notice of a man, against whom there were such strong presumptions.”

Let us first remark the great consistency of these gentlemen. They seem to discover at a distance, something *a little* tending to such practices and machinations. On this distant seeming of a slight tendency, they proceed to take notice of the person who is presumed to be the author; and this notice is an order for apprehending him.

It is true, the same author diverts himself a little afterwards, by endeavouring to prove, that it was out of pure goodness to me, they gave orders for my being apprehended. “The

* This *a little* is so pleasant, and different from the grave and decent stile of the rest of the Letters, that it has been retrenched in the second edition. I forbear to enquire on whose, or on what account.

Council,

Council, says he, might summon Mr. Rousseau to a personal appearance; they might have cited him to a hearing; they might have ordered him to be taken into custody. Of these three methods, the last was incomparably the mildest; as it was, in fact, advertising him not to return, if he did not chuse to expose himself to the consequence of a prosecution; or, if he did, to prepare himself for his defence."

It was in the same pleasant manner, according to Brantom, that the executioner of the unfortunate Don Carlos, Infant of Spain, addressed that Prince when he was going to strangle him. "Hush, hush, my Lord, says he; why this noise and struggling? all we are doing is for your Highness's good."

But what are these *practices* and *machinations* of which I stand accused? To be guilty of *practices*, if I understand my own language, is to carry on some secret intelligence: to be guilty of *machinations*, is to take some silent and sinister measures; it is to do that which some persons have done both against Christianity and me too. But I conceive nothing can be less secret in the world, than a man's publishing and setting his name to a book. Whenever I have declared my sentiments on any subject, I have done it boldly, and in the face of the publick. I have subscribed my name, and remained tranquil in my retirement. It will not be easy to persuade me, that this resembles any thing of *practices* and *machinations*.

To

FROM THE MOUNTAINS. 115

To comprehend rightly the spirit of the oath, and the sense of the terms, it is necessary to recur to the times in which the oath was drawn up, and in which it was essentially necessary for the state to guard against falling under the double yoke it had just shaken off. At that time daily discoveries were made of some new design in favour of the house of Savoy and the Episcopacy, under the pretext of religion. Now it is to these designs that the words *practices* and *machinations* evidently relate; words, surely, that, since the French language existed, never have before been employed to signify the general notions which an author may advance in a book to which he publickly sets his name, without any particular project or object in view, or without regard to any state or government. In this accusation the author himself, indeed, appears so little in earnest, that he acknowledges, in page 8. that *I faithfully discharge my duty as a citizen*. But how can this be, if I have broken the oath, which I should have kept in quality of such?

It is not true, therefore, that I have broken this oath. To this I add, that if it were, nothing was ever more unexampled in matters of this kind, than the proceedings against me. There is, perhaps, not a single citizen in Geneva, who hath not broken this oath in some article or other *, without being in the least censured for it, much less apprehended.

* Thus, for example, they engage never to leave the city, to reside elsewhere, without express permission.

It can with as little justice be said, that I have attacked morality, in a book, wherein I establish, to the utmost of my power, the preference of the publick good over that of the individual ; and in which I make our duty towards man arise from our duty towards God ; the only principle on which a system of morality can be well founded, and prove any thing more than mere appearance. It cannot be pretended that the book in question tends, in any shape, to disturb the established worship of the church, or the peace of the state ; as it insists, on the contrary, on the respect which is due to established forms, and a perfect obedience to the laws in every thing, even in matters of religion.

This terrible crime, then, about which such a clamour hath been made, admitting it to be real, is reducible to a mere error in point of faith, which, if it be not advantageous to society, is at least very innocent and indifferent. The greatest harm that can result from it, being universal toleration, and, of course, universal peace, both in church and state.

But I ask of you, Sir, who are acquainted with the nature of your government and laws, whose province it is to judge, particularly in the first instance, of the erroneous opinions of individuals in matters of faith ? Does it be-

mission. But who, of the many natives of Geneva, that reside in foreign countries, ever thought of asking this permission ?

long

long to the Council, or to the Consistory? This is the point to be determined.

It was necessary, first, to settle the nature and extent of the crime. This being known, we come now to compare the proceedings of the law against it.

Your edicts do not ascertain the penalty inflicted on a man, who being mistaken in a point of faith, makes his error publick. But by the eighty-eighth article of the Ecclesiastical ordinance, in the chapter on the Consistory, they regulate the order of proceeding against him who dogmatizes. This article is couched in the following terms:

“If any person should presume to dogmatize against the doctrines received, let him be called to a conference: If he be willing to conform, let him be supported without scandal or defamation: if he be obstinate, let him be admonished sometimes in order to try to bring him back again. If at length it be necessary to proceed to greater severity, let him be prohibited the communion, and let the magistrate be advertised to provide for such prohibition.”

By this we see, *First*, that the first inquiry to be made of this species of crime belongs to the Consistory.

Secondly, That the Legislature did not mean this crime to be unpardonable, if the person committing it should repent of it and conform.

Thirdly, That it prescribed the very means to be taken, in order to bring back the criminal to his duty.

Fourthly,

Fourthly, That these means are full of candour and tenderness; such as it becomes Christians to make use of; after the example of their great Master, with regard to all such faults as do not disturb the peace of society, and are not essentially interesting to the cause of religion.

Fifthly, That the last and greatest penalty inflicted, is taken from the very nature of the crime, as it ought to be, in depriving the criminal of the holy communion and an intercourse with the Church, which he has offended, and is still disposed to offend.

After all which, the Consistory is to inform the magistrate, who ought then to take up the cause, because the law admitting of but one religion in the state, he who obstinately perseveres in professing and teaching another, ought to be cut off from the State.

The particular application of all the parts of that law, may be seen in the form of the prosecution carried on in 1563, against John Morelli.

Morelli, who was an inhabitant of Geneva, had written and published a book, in which he attacked the discipline of the church; which book was censured at the Synod of Orleans. The author, complaining much against this censure, and being cited on the same account by the Consistory of Geneva, he refused to appear, and left the city. After this, having obtained permission of the magistracy to return, in order to make up the matter with the ministers, he neither troubled himself to
speak

FROM THE MOUNTAINS. 119

Speak to them, nor to appear before the Consistory till he was summoned anew; on his appearance, however, he refused to make any kind of satisfaction; so that, after long disputes with him, he was cited to appear before the Council, to whom the cause was now referred. To the citation from the Council he again refused to pay any obedience, but sent a written excuse by his wife, and left the city.

He was then proceeded against at law, that is to say, his book was condemned; the sentence passed on which occasion being important and little known, I shall transcribe the whole; as I doubt not of its being of use.

“ * We, the Syndics, judges of criminal causes in this city, having heard the report of the venerable Consistory of the Church, concerning the proceedings carried on against John Morelli, inhabitant thereof; and inasmuch as he hath a second time left this city, and instead of appearing before us and our council, when cited, was disobedient and refractory: For these and other just causes moving us thereto, we the Syndics composing a tribunal in the place of our ancestors, and agreeable to our antient customs, after due consultation with our citizens, having God and his holy Scriptures before our eyes, and invoking his holy name, to inspire us with right judgment, do pronounce, In the name of

* Extract from the Proceedings against John Morelli. Printed at Geneva, by Francis Perrin, 1563.
the

the Father, the Son, and Holy Ghost, Amen, by this our definitive sentence, which we here give in writing, we are induced, after mature deliberation, to proceed farther against the said Morelli, for contumacy: and above all to advise all those whom it may concern, to beware of his book, that they are not misled thereby. Being duly informed of the reveries and errors contained therein, and particularly that the said book tends to create schisms, troubles, and seditions in the church: hence we have condemned and do condemn it, as a pernicious and dangerous book, having ordered, and ordering, by way of example, that one of them be publickly burnt. We forbid also all booksellers to keep or expose it to sale; and all citizens, burghers, and inhabitants of this city, of what quality soever, to buy or have it to read; commanding all those who are possessed of any copies of the said book to bring them to us; and all such as know where such copies are, to inform us thereof, within twenty four hours, under pain of being severely punished.

“And we hereby command you, our lieutenant, to see that this our sentence be carried into execution.”

Pronounced and executed, Thursday,
Sept. 16, 1563.

Signed, P. CHENELAT.”

You will find room, Sir, for making more kind of observations than one, in proper time and place, on this piece. At present let

us not lose sight of the object in view. Such was the manner of proceeding against Morelli, whose book was not burned till the end of the process, and whose person was not apprehended; nor was he threatened with the executioner and corporal punishment, notwithstanding he was obstinate and contumacious.

It is well known in how different a manner the Council proceeded against me, the moment my book appeared, and without waiting for the advice of the Consistory. The book was received by the post, read, examined, sentenced, burnt, and myself ordered to be apprehended, all within the space of eight or ten days. A more expeditious prosecution can hardly be conceived.

I suppose myself here in the case intended by the law, the only case in which I can be punishable. For otherwise, by what authority am I to be punished for faults that injure nobody, and for which the laws have inflicted no penalty.

Has the Edict been strictly observed, then, in this affair? I am convinced that every person of common sense, who gives himself the trouble to enquire into the matter, will think it has been violated in every particular. The Remonstrants in my favour particularly observe, that "the Sieur Rousseau was not called before the Consistory; but that the magnificent Council proceeded in the first instance against him: that he ought to have been *supported without scandal*; whereas

his writings have been treated, in a public decree, as *rash, impious, and scandalous*; he ought to have been *supported without defamation*: but he has been used in the most defamatory manner; his two books having been torn and burnt by the hands of the common hangman."

"The Edict, therefore, continue these Remonstrants, hath not been observed, either with regard to the point of jurisdiction, which belongs to the Consistory, or with regard to Mr. Rousseau, who ought to have been supported without scandal or defamation, to have been admonished, and who could not have been legally condemned but in case of obstinacy.

All this appears, doubtless, as clear as the sun to you, as well as to me. But what then? You shall see how these people, who know how to make the sun appear at midnight, strive to hide it at noon-day.

It is the usual trick of sophists to heap one argument upon another, in order to cover the separate weakness of each. To avoid repetitions, and lose no time, let us separate those which are contained in the Letters written from the Country. Let us confine ourselves also to the most essential; laying aside such as I have already refuted; and, that we may not misrepresent them, let us make use of the very words of the author.

It is with respect to our laws, says he, that I ought to examine the proceedings against Mr. Rousseau. Very well: Let us see,

The

FROM THE MOUNTAINS. 123

The first article of the citizen's oath obliges him to live according to the Reformation of the holy Gospel. Now I ask, if a man who writes against the Gospel, can be said to live according to the Gospel?

First sophism. In order to see clearly whether or no I stand in this predicament, place the word *Reformation* in the minor of the syllogism, which the author hath omitted, and which is necessary to make the writer's argument at all conclusive.

Second sophism. The article of the oath abovementioned says nothing about writing according to the Reformation, but living according to the Reformation. These two things, as we have before shewn, are distinguished in the oath itself; and it hath been already shewn, that I have written neither against the Reformation nor against the Gospel.

The chief duty of the Syndics and the Council is to maintain the true religion.

Third sophism. It is doubtless their duty to maintain the true religion, but not to take upon them to determine what is or is not the true religion. The sovereign Legislature hath charged them with the care of preserving the true religion, but it hath not therefore appointed them the judges of its doctrines. This office belongs to another body, which ought to be consulted in all matters relative to religion, as hath been hitherto always done, ever since your government existed. In criminal cases of this nature, two

tribunals are concerned, the one to ascertain the fact, and the other to punish it. This is evident from the express terms of the Ordinance. But to return to this afterwards.

They pursue the imputations already examined; which for that reason I shall not repeat; but I cannot forbear transcribing here the last article, as it is extremely curious.

It is true that Mr. Rousseau and his partizans pretend their doubts do not really attack Christianity, which he even continues to call divine. But if a book characterised, as the Gospel is, in the works of Mr. Rousseau, may yet be called divine, I should be glad to know what new sense he hath applied to that epithet. If it be really a contradiction, it is a very gross one; if a piece of pleasantry only, you must own it is very improper on such a subject.

I understand it is meant by all this, to insinuate, that the spiritual worship of God, purity of heart, works of compassion, humility, resignation, toleration, forgetting of injuries, forgiveness of enemies, love of one's neighbour, universal brotherhood, and the union of mankind by the bonds of Christian charity, are all inventions of the Devil. But is this the opinion of the author and his friends?

If it be really a contradiction, it is a gross one. If a piece of pleasantry, it is very improper on such a subject.

It may be added, however, that pleasantry on such a subject, seems so mighty agreeable

able to the taste of these gentlemen, that, according to their own maxims, it ought to have obtained me some favour of them.

After the exposition of my crimes, let us attend to the reasons given for their proceeding to the utmost rigour of the law with the criminal.

These two books appeared under the name of a Citizen of Geneva. All Europe was scandalized at it. The first Parliament of a neighbouring kingdom prosecuted Emilius and its author. What ought the Government of Geneva to do?

Let us here stop a moment; as I think I perceive some falshood in the assertion.

According to this author, the offence, taken by all Europe, obliged the Council of Geneva to proceed against the book, and the author, of Emilius, after the example of the Parliament of Paris. But, on the contrary, it was the Decrees of these two tribunals which gave offence, and caused such scandal to all Europe. The book had been published at Paris but a few days before the Parliament condemned it *: it had not appeared in any other country, not even in Holland, where it was printed. And there was but an interval of nine days between the Decree of the Parliament of Paris and that of the Council of Geneva †: little more than time enough.

* Measures were absolutely taken to this end before the book appeared.

† The Decree of the Parliament of Paris passed the 9th of June, and that of the Council of Geneva the 19th.

for the latter to hear of what was done by the former. The terrible clamour which was raised in Switzerland on this affair, my expulsion from the house of my friend, the attempts made at Neufchatel, and even at the Court of Berlin, to deprive me of my last asylum. All this came from Geneva and its neighbourhood, after the decree. It is well known who were the instigators, and the emissaries; their activity was indeed unexampled. It was not their fault that I was not refused the common benefits of water and air throughout every country in Europe; that I had not even the earth for my bed, or a stone for my pillow. Let us not transpose things thus out of their proper order, and impute, as a motive to the Decree of the Council of Geneva, the scandal, which was only the effect of it.

The first Parliament of a neighbouring kingdom, it is said, prosecuted Emilius and its author. What then should the Government of Geneva do?

The answer is ready and simple. It should have done nothing; it ought to have done nothing, or rather, it ought not to have done any thing. As it was, it reversed all order of law; braving the Parliament of Paris, and disputing its jurisdiction, by imitating its behaviour. For the very reason that I was prosecuted at Paris, I ought not to have been prosecuted at Geneva. The fault of a criminal is certainly confined to place, and to one place only: He cannot be guilty at
once

FROM THE MOUNTAINS. 127

once of the same crime in two different countries, any more than he can be in two places at one and the same time; for if he would clear himself of the two prosecutions, how could he possibly divide himself? In fact, have you ever heard of a man being prosecuted in two different countries, at one time, for one and the same fact? This is certainly the first example, and in all probability will be the last. Amidst all my misfortunes I have the melancholy honour of being in every respect a singular example.

The most atrocious crimes, even assassinations and murders, are not, nor ought to be, adjudged by other tribunals than those of the countries, where those crimes were committed. If a Genevan should kill a man, though another Genevan, in a foreign country, the Council of Geneva could not take cognizance of the crime. They might deliver up the criminal, indeed, if he were claimed; they might even solicit his punishment; but unless such foreign power should voluntarily transfer the decision of the cause to them, with the proceedings therein, they could not take upon them to judge of it; because it does not belong to them to take cognizance of crimes committed under the jurisdiction of other states, nor can it even order the informations necessary to ascertain the fact. Such is the rule, and such therefore is the answer to the question, *What should the Government of Geneva have done?* These are the most plain and simple notions

128. LETTERS WRITTEN

of publick law; of which it would be scandalous for the lowest magistrate to be ignorant. Must I always instruct my judges thus, at my own cost, in the common elements of jurisprudence?

The Remonstrants in my favour say, that *the Council ought to have confined themselves to a mere provisional prohibition of my book's being sold in their city* *. This is, in fact, all they could legally do to gratify their animosity. This is what they had before done with regard to my *Eloisa*; but seeing that the Parliament of Paris took no such step, they seemed ashamed of their prohibition, and gently withdrew it †. *But may not so feeble a mark of disapprobation be looked upon as a secret connivance?* The Council of Geneva, however, may have been justly taxed long since, with such secret connivance in regard to books much less to be tolerated. It is said, *Nobody can take offence at the moderation made use of towards me.* The voice of the publick may inform you what offence is taken at the contrary. *To say the truth, if the affair had related to a man as disagreeable to the publick as Mr. Rousseau is estimable, what is now called moderation, would have been called indifference, or unpardonable coldness.* I see no great matter in this, but it is certain the publick do

* See page 12. of their Remonstrances.

† It must be owned, that if Emilius ought to be prohibited, *Eloisa* at least ought to be burned. The Notes in particular being much bolder than any thing contained in the Vicar's Creed.

FROM THE MOUNTAINS. 129

not call the severity practised against me and my writings, or the countenance given to my adversaries, by such mild appellations.

Carrying on the supposition of my being culpable, let us suppose farther, that the Council of Geneva had a right to punish me, that they had taken no step but what was conformable to law, and that nevertheless, without even censuring my books, they had received me peaceably on my arrival from Paris; what would the honest and sensible part of the people have said to it? They would have said thus:

“ The Council have winked at this affair; they ought to do so. For what could they do? To have proceeded with severity on this occasion would have been barbarous, ungrateful, and even unjust, as real justice compensates evil with good. The criminal hath been very fond of his country, and hath deserved well of it: he hath done it honour in the eyes of all Europe; and, while his fellow-countrymen have been ashamed of the name of Genevan, hath made it his glory. He hath heretofore given it good advice, and is desirous of the public good. At present, indeed, he is mistaken, but he is certainly pardonable. He hath bestowed the highest encomiums on our magistrates, in order to obtain them the love and confidence of the citizens: he hath defended the religious character of our Clergy, and certainly deserves some return from all. With what face could they dare to prosecute, for a few errors, the

defender of the Deity, the apologist for a religion so generally attacked, when they tolerate, and even approve, the most odious, indecent, and insolent writings against Christianity and good manners; the most destructive to all virtue and morality; even those which Mr. Rousseau thought it his duty to refute. People would have enquired into the secret motives of so gross a partiality; and they would have found them in the zeal of the accused for the cause of liberty, and in the project of his judges for destroying it. Rousseau would have been deemed a martyr to the laws of his country. His persecutors, in assuming the mask of hypocrisy on the occasion, would be charged with making a tool of religion, and using it only as an instrument of their vengeance. In short, by their earnestness to punish a man, whose greatest crime is the love of his country, they would only have rendered themselves odious in the eyes of all honest people; suspected by the citizens and contemptible to foreigners."

This, Sir, is what might have been said; and this is all the risk the Council would have run, in abstaining from taking notice of my supposed crime.

A certain person was in the right, when he said it was necessary either to burn the Gospel or the Works of Mr. Rousseau.

This is the method these gentlemen commonly take with me. If they want proof, they multiply assertions; and if they want witnesses, they talk of nobody knows who.

The

FROM THE MOUNTAINS. 131

The above pretended saying, hath but one meaning that is not quite extravagant ; and this meaning is blasphemous. For is it not blasphemy to suppose the Gospel and my Works so alike in their maxims, that they may reciprocally be substituted for each other ; and that either of them indifferently may be burnt without loss, provided we keep the other ? It is certain I have followed the doctrines of the Gospel as close as possible : I admired them, I adopted, illustrated, and explained them, without hesitating at obscurities, difficulties, or mysteries, to deviate from what was essential. I was attached to them with my whole heart ; and beheld them with indignation profaned and debased by our pretended Christians, and particularly by those who profess to instruct us in them. I dare venture to believe, and to make it my boast, that not one of them hath spoken more highly of genuine Christianity and its Author, than myself. I may appeal to the applause of my very adversaries, in proof of this assertion ; not, indeed those of Geneva : but of those whose enmity doth not rise into phrenzy, and whom passion hath not totally divested of reason. This is certainly true, and this is proved, as well by my answer to the King of Poland, as by my Letter to Mr. d'Alembert, by Eloisa, Emilius, and all my writings ; which breathe the same love for the Gospel, the same veneration for Jesus Christ. But does it follow that I can in any degree approach my sublime Master, or

132 LETTERS WRITTEN, &c.

that my books may be substituted in the place of his instructions. I detest and disavow such a suggestion as false, absurd, abominable, and blasphemous. No writings whatever can be compared to the Gospel. But its sublime simplicity is not adapted to all capacities. Its dictates frequently require to be placed in different lights; that sacred book should be preserved as the text of the master, and mine as the commentary of the scholar.

I have hitherto treated the question in a manner somewhat general. Let us now proceed more particularly to facts, and compare the proceedings of the year 1563 with those of 1762, and the reasons given for their difference. As this is the decisive point of the dispute with regard to myself, I cannot, without neglecting my cause, forbear troubling you with circumstances that may in themselves be tedious; but which are in many respects interesting both to you and to your fellow-citizens. This will form another discussion, the thread of which ought not to be broken; and which will of itself form a long letter. But be not discouraged, Sir, this will be the last of the kind I shall furnish for your entertainment.

LETTER

 LETTER THE FIFTH.

THE author of the *Letters from the Country* having established, as you have already seen, the necessity of carrying on a prosecution against me ; goes on, as I am going to shew you, to prove, that the proceedings carried on against John Morelli, although exactly conformable to the Ordinances, and in a case similar to mine, was not an example to be followed in the proceedings against me : because, *first*, the Council, being above the Ordinances, is not obliged to conform to them ; and that besides, my crime, being much greater than that of Morelli, ought to be punished more severely. To these reasons the author adds, it is not true that I was condemned unheard ; that it was sufficient to hear the book itself ; the censure of which did not in any shape fall upon the author ; and that, in short, the writings, which the Council are reproached with tolerating, are innocent and harmless in comparison of mine.

As to the first article, you will perhaps hardly believe it possible any body should presume to set the petty Council above the laws. I know of no other way to convince you than to transcribe the passage, in which this principle is laid down ; and of which, that I
may

may not hurt the sense by mutilation, I shall transcribe the whole..

“ Did the Ordinances mean to tie the hands of the Civil Power, and oblige it not to suppress any outrage committed against religion till after the Consistory had taken cognizance of it? If so, any one might write with impunity against religion, as the government would not have it in its power to suppress such licentiousness, or to censure a book of any kind: for as the Ordinance requires the delinquent to appear first before the Consistory, it also says, that if *he is willing to conform, he is to be supported without defamation.* Thus whatever outrage or insult he may have committed against religion, the accused hath nothing more to do than to conform in order to escape punishment; and he who may have defamed religion over the face of the whole earth, may, by a pretended conformity, be excused without suffering defamation. Those who know the severity of the times, in which our Ordinances were compiled, will hardly believe the LXXXVIIIth article had any such meaning.

“ What if the Consistory should not act at all? Is its inactivity to restrain the Council from acting? Or must it be reduced to act the part of an informer to the Consistory? This can never be the spirit of the Ordinances; which, after having established the duty and the power of the Consistory, conclude with saying, that the Civil Power still rests entirely and without suffering any derogation from its authority, nor from its proceedings in the ordinary.

FROM THE MOUNTAINS. 135

dinary course of justice by any ecclesiastical remonstrances. The Ordinances, therefore, do not suppose, as the Remonstrants pretend, that the Ministers of the Gospel are the more proper and natural judges of this matter than the Council of State. Every thing that regards authority in matters of religion, is derived from the authority of the government. This is the principle of Protestants, and particularly that of our constitution, which in all cases of dispute about religious tenets, invests the Councils with the right of decision."

You see, Sir, in the last lines the principle on which is founded that which precedes them. Thus to proceed in our examination according to order, it is proper to begin at the end.

Every thing that regards authority in matters of religion, is derived from the authority of Government.

There is an equivocation couched under this word *Government*; which it is very necessary to explain; I advise you, if you have any regard for the constitution of your country, to be attentive to the distinction I am going to make: you will presently see its utility.

The word *Government* has not the same meaning in all countries, because the constitutions of different states are not every where the same.

In Monarchies, where the executive power is joined to the exercise of the legislative, or the sovereignty, the government is no other than the Sovereign himself, acting by his Ministers, by his Council, or by other political bodies depending on his will. In Republics,

licks, particularly in Democracies, in which the Sovereign never acts immediately by himself, the case is different. The Government is there only the executive part, and is absolutely distinct from the Sovereignty.

This distinction is very important in these matters.

To have a clear and precise idea of it, however, it may be necessary to read carefully the two first chapters of the third book of my Social Compact; in which I have endeavoured to give it an accurate and precise meaning, by the exact use of expressions by which it hath been artfully left uncertain, in order that such an acceptance might be given it, as might suit with times and circumstances. The Chiefs of a Republick are in general mighty fond of talking in the stile of Monarchs.

By the help of terms, which custom seems to have consecrated, they know how to assimilate those things which those terms signify. This the author of the Letters hath here done very artfully, in making use of the word *Government*, which hath nothing alarming in itself, for the *exercise of Sovereignty*, which every one would be immediately shocked to see the petty Council in plain terms invested with.

This he hath done again still more openly in another passage; wherein, after having said that the *petty Council is the Government itself*, which is true, taking the word *Government* in a subordinate sense, he presumes to add, that by virtue of this title it exercises all
 autho-

authority which is not expressly attributed to the other parts of the State : thus taking the word Government in the sense of Sovereignty ; as if all the other political bodies included in the State, and even the general Council itself, were instituted by the petty Council.

For it is only by means of this supposition that he can exclusively attribute to it all those powers which the law hath not expressly given to any. But I shall resume this question afterwards.

This equivocation being exposed, the sophistry of the author is obvious. To say that every thing regarding authority in matters of religion is derived from the authority of Government, is in fact a true affirmation, if by the word Government we mean the legislative power, or the Sovereign. But it is very false, if we mean the executive power, or the magistrate ; and you will never find in your Republick, that the general Council invested the petty Council with the authority of regulating, in the last resort, every thing relative to religion.

A second equivocation, still more subtle, is brought to support the first, in what follows.

It is the principle of Protestants, and particularly the spirit of our constitution, which, in cases of dispute about religious tenets, invests the Council with a right of decision. This right, whether in cases of dispute or not, undoubtedly belongs to the Councils, but not to the petty Council. Thus you see how, by means
of

of a single letter, more or less, we may misrepresent the constitution of the state.

According to the principles of Protestants, there is no other church than the state, and no other ecclesiastical Legislator than the Sovereign. This is manifest, particularly at Geneva, where the ecclesiastical Ordinances received from the Sovereign, in the Council-general, have the same sanction as the civil Edicts.

The Legislature, therefore, having prescribed, under the name of the Reformation, the doctrine which ought to be taught at Geneva, and the form of worship which ought to be maintained there, hath divided between two bodies the care of maintaining that doctrine, and that form of worship, as fixed by law. To one it hath entrusted the matter of public instruction, the decision of what is conformable or contradictory to the religion of the state, the necessary admonitions, and even spiritual punishments, such as excommunication. It hath invested the other with the power of executing the laws regarding this point, as well as every other, and to punish obstinate prevaricators.

Thus every regular process, in these cases, ought to commence by an enquiry into the fact: to know whether it be true that the person accused hath committed any crime against religion: and this examination belongs, according to law, to the Consistory only.

When

FROM THE MOUNTAINS. 139

When the crime is ascertained and proved to be deserving of civil punishment, it is then only the magistrate is invested with the right to determine and execute such punishment. The ecclesiastical tribunal denounces the criminal to the civil tribunal, and thus the jurisdiction of the Council, in these cases, is established.

But when the Council takes upon them to determine, as if they were divines, the orthodoxy of religious tenets; or when the Consistory usurp the civil jurisdiction, both of them go beyond their jurisdiction, and are guilty of disobedience to the Law, and the Sovereign who made that law, which is no less a legislator in ecclesiastical matters than in civil, and ought to be acknowledged as such by both.

The magistrate is ever judge of the ministers in all civil matters, but never in those of religion: the proper judge here is the Consistory. If it belonged to the Council to pronounce the judgments of the Church, it would have been invested with the right of excommunication, whereas its own members are subjected to it themselves. It is a very ludicrous inconsistency attending this business, that I suffer under a civil prosecution for my religious errors, and am not excommunicated for them. The Council prosecute me as an apostate, while the Consistory let me stand among the number of the faithful. Is not this something very singular?

It

It is true, that in case of dissensions among the ministers themselves about points of doctrine, and that from the obstinacy of one of the parties, they can neither agree among themselves, nor be reconciled by the interposition of the Elders, article the xviiith of the Ordinances says, that the cause ought to be laid before the magistrate, who is *to reduce them to order.*

But the silencing a quarrel is not deciding a religious dispute. The Ordinance itself explains the motive for having recourse to the magistrate: it is the obstinacy of one of the parties. Now the police of every state, the inspection of quarrels, the keeping of the peace, the suppression of the refractory, are matters incontestibly annexed to the authority of the magistrate. He cannot be said, on that account, however, to judge of matters of doctrine; but only establishes that peace and order in the assembly, which is necessary to enable them to judge of it.

But even supposing the Council were judges of the doctrine in the last resort, it ought not to interfere so as to pervert the established order of the law; which gives to the Consistory the first cognizance of these matters: In the same manner as it is not permitted it, although supreme judges in some cases, to call civil causes before it, till they have first passed the subordinate courts.

Article xviiith of the Ordinances says, that in case the ministers cannot agree, the cause should

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should be brought before the magistrate, that he might set it in order ; but it does not say, that the first cognizance of the doctrine may be taken from the Consistory by the magistrate ; nor is there one single precedent of such an usurpation since the Republick existed *.

In this particular the author of the Letters from the Country seems himself to agree with us, in saying, that in *cases of dispute* the Councils have a right to determine the point of orthodoxy : for this is as much as to say, that they have not that right till after excommunication is passed by the Consistory ; and that they have it not when the members of the Consistory are all agreed.

* In the sixteenth century arose many disputes about Predestination, which ought to have been made the logical amusement of young pupils, but failed not, according to custom, to become important objects of state. And yet it was decided by the Divines, and that to the prejudice of the publick. I do not know that, since the edicts have been promulgated, the Petty Council ever thought of determining any thing concerning religious tenets without their concurrence. I know of but one sentence of this kind, and this was passed by the Assembly of the Two Hundred. This related to the great quarrel that happened in 1669 on special Grace. After several long and fruitless debates in the Company of Pastors, and in the Consistory, the Professors, not agreeing, brought the affair before the Petty Council, which did not determine it. The Two Hundred called it before them, and decided it. The important question to which it related, was, Whether Jesus died only for the salvation of the elect, or whether he died for the damned ?

These distinctions of the civil and ecclesiastical jurisdiction are clear and well-founded, not only on law, but on reason; which does not permit that judges, on whom depends the fate of individuals, should determine otherwise than agreeably to constant facts, and positive proofs of criminality, and not on imputations so vague and arbitrary as errors in religion.

What security would citizens enjoy, if, among so many obscure tenets, capable of various interpretations, the judge might chuse out of them which he thought proper, to convict or disculpate the accused; to condemn or acquit him at pleasure.

The proof of these distinctions is to be found also in the institution itself, which

damned? After several sessions and mature deliberations, the magnificent Council of Two Hundred determined that Jesus died only for the salvation of the elect. It is easy to be conceived that the decision was an affair of party, and that Jesus would have died for the salvation of the damned, had not Professor Tronchin had more interest than his adversary. All this is doubtless mighty ridiculous: and it may still be said, that the decision of the Council did not relate to a matter of faith, but to the uniformity of public instruction; the care of which belongs, without doubt, to the government. It may be added, that the above curious dispute had so much excited the public attention, that the whole city was in an uproar. But no matter for that, the Councils ought to have appeased the quarrel, without deciding any thing about the doctrine. The decision of all questions, in which nobody is interested, and which nobody understands, ought always to be left to the divines.

would

would not have established a tribunal that was useless ; yet such it must be, if the Council may judge, and particularly in the first instance, of ecclesiastical matters, the establishment of the Consistory could be of no manner of utility.

There are besides a thousand passages in the Ordinances, in which the legislature carefully distinguishes between the two orders ; a distinction very absurd and useless, if in the exercise of their functions, the one must be subject to the other. In articles XXIII and XXIV you may see the specification of several crimes punishable by the laws, and of those *which first come under the cognizance of the Consistory.*

See the end of the same article XXIV, which requires that, in the latter case, after the conviction of the criminal, the Consistory should make their report to the Council, annexing thereto its advice. *To the end,* says the Ordinance, *that the judgment concerning the punishment should be reserved to the Seignory.* From which terms it is naturally to be inferred, that the judgment concerning the doctrine belongs to the Consistory.

See the oath of the Ministers ; who swear to be on their part subject and obedient to the laws ; and to the Magistrate, when their Ministry requires it ; that is to say, without prejudice to the liberty, which they ought to enjoy, of teaching agreeable to what God commands them. But where would be this liberty, if they were by the laws subjected, for
this

this doctrine, to the determinations of another body besides their own?

See article LXXX; in which the Edict not only charges the Consistory to watch over and guard against the general and particular disorders of the Church; but in which it is instituted for that very purpose. Has that article any meaning, or has it not? Is it absolute, or is it only conditional? Has the Consistory, established by law, only a precarious existence, dependent on the good pleasure of the Council?

See article XCVII of the same Ordinances, where, in regard to cases that require civil punishment, it is said that the Consistory having heard the parties, made remonstrances, and passed ecclesiastical censures, ought to report the whole to the Council; which, *upon that report* (observe the repetition of that word) *will advise and pass sentence as the case may require.* Peruse, in fine, the remainder of the same article, and forget not that it is the sovereign power that is speaking. "For howsoever joint and inseparable are the sovereignty and superiority God hath given us, and the spiritual government he hath established in his church, they ought by no means to be confounded together; since he who hath universal power to command, and to whom we are desirous of being under all due subjection, would be so acknowledged the author of political and ecclesiastical government, that he hath expressly distinguished the functions as well as the administration of the one and the other."

But

But how can these administrations be distinguished under the general authority of the legislature, if the one encroach at pleasure on the other? If here be not a contradiction, I do not see contradiction in any thing.

To article LXXXVIII, which expressly prescribes the method of proceeding to be observed against the promulgator of new tenets, I shall add another; which is no less important. This is article LIH, entitled, *On the Catechism*; in which it is ordained, that those who persist in disturbing good order, after having been sufficiently warned, shall be called before the Consistory; and *if they will not acquiesce to the remonstrances which shall be made them, that report thereof shall be made to the Signiory.*

What good order is it that is here spoken of? The title declares. It must be the good order in matters of doctrine, as the chapter relates only to the Catechism; of which it is a summary. Otherwise, the preservation of good order in general appears to belong rather to the Magistrate than an ecclesiastical tribunal. Observe what a gradation. In the first place the offender is *to be remonstrated with*; if he persists in the offence, *he is to be called before the Consistory*; and if after he will not acquiesce, *report must be made of him to the Signiory.* . .

In matters of faith, the last resort hath been always to the Councils. Such is the law; such are all your laws. Produce me any article, or passage in your edicts, by virtue of which the petty Council is authorized to assume to itself the first cognizance, and to found a criminal process

in the first instance, against such a crime. Such a step is not only contrary to law; it is likewise contrary to equity, to common sense, and to universal custom. The rule, in every country in the world, is to consult, with regard to any art or science, the professors in such science, or the masters of such art, before judgment is passed on what relates to them. Why then, in a matter respecting the most obscure, the most difficult of all sciences; when the honour and the liberty of a man, and a citizen, are concerned; wherefore, I say, do the Magistrates neglect to take those precautions, which they would take in an affair relating to the most servile and mechanical art, and of the least importance?

Again, what law, what edict, can be produced to justify proceedings, the illegality and irregularity of which have been proved, by so many arguments, and authorities? The only passage which the author of the letters hath been able to find, is one whose terms he is obliged to transpose in order to pervert its meaning.

All ecclesiastical remonstrances should be made in such a manner by the Consistory, that they prove in nothing derogatory from the authority of the Signiory, nor from the ordinary administration of justice, leaving the civil power entire.

Now see the consequence he deduces from this passage. "This Ordinance does not suppose, therefore, as the Remonstrants in favour of M. Rousseau pretend, that the Ministers of the Gospel are, in these cases, more proper and more natural judges than the Councils."

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Let us begin with this passage by first correcting the word Councils, which should be in the singular number, and that for a sufficient reason.

But where is it that the Remonstrators have supposed that the Ministers of the Gospel were the more natural judges of these matters than the Council * ?

According to the Edicts, the Consistory and the Council are both natural judges, each in its province; the one of the doctrine, and the other of the fact. Thus the civil and ecclesiastical powers maintain each their particular authority under the general one of the Sovereign. And, indeed, what would be the signification of the term *civil power*, if the existence of some other power were not understood? For my part, I see nothing in this passage to alter the natural sense of those I have cited. So far from it, the following lines serve to con-

* *The examination and discussion of this matter, say they, belongs more properly to the Ministers of the Gospel than to the magnificent Council.* But what is the matter here hinted at? It is the question, Whether I have collected in my book, under the appearance of doubts, every thing that may serve to sap and destroy the principal foundations of the Christian religion. Hence the Author of the Letters takes occasion to charge the Remonstrators with saying, that in these matters the Ministers of the Gospel are more natural judges than the Councils of State. They are undoubtedly so with regard to the theological query; but not with regard to the punishment due to the crime; and this is all the Remonstrators either said or intimated.

firm it, in determining the very state in which the Consistory ought to have set this proceeding, before it was brought before the Council. This is a conclusion directly contrary to that which the author would deduce from it.

But observe in what manner he hath attacked the Ordinance in his inferences, without daring to do it in direct terms.

“ Could the Ordinance intend to tie up the
 “ hands of the civil power, and prevent its sup-
 “ pressing any outrage committed against reli-
 “ gion, till after the Consistory had taken
 “ cognizance of it? Were this the case, it
 “ would follow, that any one might write with
 “ impunity against religion; as the accused,
 “ under the appearance of submission, might
 “ always find means to escape; and the person
 “ who had traduced the cause of religion
 “ throughout the whole world, might avoid the
 “ infamy of it by means of a fictitious repen-
 “ tance.”

It is to prevent this terrible misfortune, this scandalous impunity, that the author would not have the law observed strictly according to the letter. Sixteen pages after, the same writer hath the following passage.

“ Politicks and philosophy may stand up for
 “ this liberty of writing any thing, but our
 “ laws are against it. Now the point to be
 “ determined is, whether the judgment passed
 “ by the Council on the Works of M. Rousseau,
 “ and the decree issued out against his person,
 “ be contrary to our laws, and not to deter-
 “ mine

“mine whether or not it be conformable to
“philosophy or politicks.”

Again, this author, admitting that the condemnation of a book does not destroy the force of its arguments, but may make them more known, and give them a greater degree of celebrity; adds, that, “in this respect his maxims
“are conformable to those of the Remonstrators. But that such maxims nevertheless are
“not those of our laws.”

Putting these passages together, I find their meaning to be nearly as follows.

“Although philosophy, polity, and reason, may stand up for the liberty of writing any thing, this liberty ought to be punished in our state, because it is forbidden by our laws. But our laws ought not, however, to be observed strictly according to the letter; because in that case such liberty would not be punished.”

To confess the truth, I perceive such a strange confusion in this writer's arguments as shocks me, and yet he appears to be a man of genius and understanding. Thus I am almost tempted to believe, that I have fallen into some error in this retrospect, without my being able to conceive in what particular. Compare yourself, therefore, pages 14, 22, and 30, of the *Letters from the Mountains*, and see if I am right or wrong.

Be this, however, as it may; until the author shall please to point out the other laws, by which the precepts of philosophy and politicks are contraverted, we shall proceed in our examination of his objections against this.

In the first place, the Magistrate in a republican state, is so far from being permitted to extend the law for fear of letting crimes go unpunished, that he is not even permitted to extend it to crimes, against which it is not formally and expressly intended. It is well known how many criminals escape punishment in England, under favour of the smallest and subtlest distinction in the forms of laws. *Whoever is more severe than the laws* (says Vauvenargue,) *is a tyrant.**

But let us see if the consequence of impunity in such affairs as these, is so terrible as the author of the Letters has represented it.

In order to judge rightly of the spirit of the law, it is necessary to recollect this great principle, viz. that the best penal laws are those which deduce the punishments inflicted on crimes from the nature of the crimes themselves. Thus assassins ought to be punished with death; robbers by the loss of their property, or, if they have no property, by the loss of their liberty,

* As at Geneva there are no penal laws, properly so called, the punishment of crimes is arbitrary, and left to the determination of the magistrates; which is certainly a great defect in the Legislature, and an enormous abuse in a free state. But then this authority of the Magistrate extends only to crimes against the Law of Nature, acknowledged to be such in every society, or to such things as are expressly forbidden by any positive law. It does not go so far as to the invention of imaginary crimes, nor to any crime whatever, so far as to subvert the order of proceeding, as settled by law, for fear the criminal should escape.

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FROM THE MOUNTAINS. 151

the only property left them. In like manner, with regard to crimes committed against religion, the punishments ought to be entirely deduced from religion: Such, for example, is the deprivation of giving testimony on oath; such also is excommunication, prescribed here as the greatest penalty that can be inflicted on those who write against religion: always excepting, however, an appeal to the civil Magistrate for the civil punishment due to the crime as far as it is civil.

Now it is to be remembered that the Ordinance, as well as the Letter-writer and myself, speak here only of a simple offence against religion. If the crime were complicated; as, for instance, if I had printed my book in the territory of the state without permission, it is incontestable that my being acquitted by the Consistory would not acquit me before the Magistrate.

This distinction being made, I recur to the argument, and say, there is this difference between crimes against religion and civil crimes, that the last offer to mankind or to the laws a real insult or injury, for which the public security necessarily requires reparation and punishment: Whereas the former are merely offences committed against the Deity, whom nothing can injure, and who is ready to forgive those who are penitent. When the Deity is appeased, no crime remains to be punished, except that of the scandal, and this is repaired by making the penitence as public as may have been the crime. Christian charity would thus

imitate divine clemency, and it must certainly be deemed absurd and inconsistent to avenge the cause of religion by a severity which religion disapproves. I confess that human justice has not, nor ought to have, any regard to repentance; but here we see the very reason why, in a species of crime which penitence may atone for, the Ordinance prescribes such measures that the Civil Tribunal shall not first take cognizance of it.

The terrible inconvenience, therefore, which the author affects to find, in leaving the crimes against religion unpunished by the civil power, has not that reality which he is pleased to impute to it: While the consequence, which he deduces from it, to prove that such is not the spirit of the law, is not just, but contrary to the express terms of the law.

He adds, *thus whatever may be the crime committed against religion, the accused may, by appearing to submit, always be sure to escape.* But the Ordinance does not say, by *appearing* to submit, but by actually submitting; and there are means as certain in this case, as can be had in any other, to distinguish between reality and appearance; particularly with regard to exterior effects, which is all that is comprehended under the word *submission*.

If the delinquent should relapse after submission, he commits a new and aggravated crime, and deserves a more rigorous punishment: The means of bringing him back to his duty becoming of course more severe. The Council may in such a case adopt the judicial forms

forms of the Inquisition ; but if the author of the Letters should think those too mild, he ought at least to make some distinction : For it is certainly unjust to treat the delinquent, for fear he should relapse, in the same manner as if he had already relapsed.

It is on these false conclusions, however, that the author ventures to affirm, that the Edict hath no other object in view, by this article, than to regulate the procedure and ascertain the jurisdiction of the Tribunals. What then is the purport of this Edict, according to him ? It is certainly this : It meant to prevent the Consistory from prosecuting persons, to whom such things are imputed as they have not said, or whose misdeeds have been exaggerated ; to prevent, I say, their prosecuting such people before they had first conferred with them, and endeavoured to reclaim them. But what is the prosecution on the part of the Consistory ? It is nothing more than the excommunication and referring of them to the Council. So that, for fear the Consistory should turn over the delinquent too easily to the Council, the Edict delivers him to the Council in the first instance ! This is certainly a precaution of a new and singular kind. It is admirable that the law takes such pains in this case, to prevent the Consistory's precipitate prosecutions, and yet should take none to prevent the like precipitancy in the Council ; that it should be so scrupulously intent to prevent defamation, and that it should take no manner of care to prevent punishment ; that it should provide so many ways against a man's

being undeservedly excommunicated, and that it should not provide at all against his being undeservedly burnt at the stake; that it should be so very apprehensive of the severity of our Ministers, and not at all of that of our Judges! It was assuredly very proper to set such store by the communion of the faithful; but it was by no means proper to make so light of their security, liberty, and life. At the same time, that religion, which allowed so little indulgence to its protectors, ought not to have allowed so much to the cruelty of its avengers.

Such, according to our Author, is the very solid reason why the Ordinance did not mean to say, what it really hath said: the bare mention of which is a sufficient reply to it. We shall proceed, therefore, to his application; which we shall find to be no less curious than his construction.

The LXXXVIIIth Article relates to persons who dogmatize, teach, and instruct. It does not speak a word of a mere author, who does nothing more than publish a book; about which he troubles himself no farther. To say the truth, this distinction appears to me a little too refined; for, as the Remonstrators very justly observe, a man may dogmatize as well by means of his pen as his tongue. But admitting this refinement, we shall find the distinction tends rather to mitigate the law, than to aggravate its severity.

In all states, the Police watches very carefully over all those who instruct, teach, and dogma-

dogmatize; permitting these functions to be exercised only by persons properly authorized. It is not even lawful for a man to preach orthodox doctrines, unless he be legally admitted as a preacher. The blind populace are easily deceived; while the Dogmatist may attract them in crowds, and lead them on by degrees to tumults and insurrections. The slightest enterprize of this kind is always considered as a criminal attempt, on account of the consequences with which it may be followed.

This is not the case with respect to an Author: if he offers us his instructions, at least he attracts not a multitude, raises no tumults, compels nobody to hear or read his book; he seeks for no man, and comes not, without being sent for; he leaves you to reflect on what he has said, he disputes not, is neither angry nor obstinate, removes no doubts, answers no objections, intrudes not on you; when you choose retirement, he withdraws; and, what is most to the purpose, never speaks in publick.

Thus, the publication of a book was not held in the same light, by any government, as the sinister practices of the Dogmatist. There are even countries where the press enjoys an entire liberty; but I know of none that admit any person to teach, indifferently. In those places where the laws prohibit printing without licence, the refractory are sometimes punished. But the remissness of those in power, by suffering the same books to be imported, shews, that they regard not a book as a matter of consequence; and that the fear only, of

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being thought to approve of the maxims therein contained, has prevented their publication.

This is fact, especially with respect to books which, like mine, were never intended for the vulgar. I know, your Advocate affirms, in his answers, that *it is manifest, from the design of the author, that Emilius was intended as an instruction to parents* *. But that assertion is no excuse, as I have plainly shewn in the Preface, and in several parts of the book, that it was meant for a purpose very different. It treats of a new method of education, the plan of which is submitted to the judgment of the learned in general, without any regard to parents, whom I had not at all in contemplation. If by a figure common enough, I seemed to address them in particular, it was in order to make myself better understood, or that I might express my meaning in fewer words. I admit, it was at the earnest request of a lady, who is herself a mother, that I engaged in the work. But that mother, though young and beautiful, is so much a philosopher, as to have a perfect knowledge of the human heart. In person she is an ornament, in understanding an exception to the sex. It was for persons of her character I took up the pen, not for reptiles of that stamp, who can read without understanding me, and who abuse me without incurring my displeasure.

* Pages 22 and 23. of the printed Representations.

FROM THE MOUNTAINS. 15

The result of the distinction supposes, that if the method of proceeding against the Dogmatist is no way applicable to an Author, it is because its severity exceeds any crime, of which the latter might be thought guilty. This consequence, however natural, and which you and every reader may draw, surely, as well as I, is quite different from the inference of the Letter-writer. I shall give you his own words, tho' I am apprehensive of losing all my credit, when I come to speak after him.

“ It is evident to any person who reads that article of the Regulation, that it was merely intended to restrain such as, by their seditious harangues, propagate principles dangerous to society. *If they submit*, says the Ordinance, *let them be supported and protected, without impeachment of their reputation.* Why so? Because we have then a reasonable security that they will no longer sow tares among the wheat, and that they are to be no more dreaded. But where is the use of a recantation, real or feigned, when the seditious author has stamped indelible impressions, and scattered the poison of his opinions throughout the universe? The guilt is compleat, it will always remain, and is, in the eye of law, exactly of a piece with other crimes, the repentance of which avails nothing, when justice has once taken cognizance of them.”

Here is sufficient to raise our indignation; but let us drop all animosity, and calmly reason on the subject. So long as a man dogmatizes,

tizes, he does evil continually, and is to be feared, till he submits and acknowledges his fault. His very liberty is pernicious, as he employs it to the worst of purposes; and though he may at last be reclaimed, yet the doctrines he has spread are for ever fixed, and the guilt brought to its highest consummation. On the contrary, when a book is published, the mischief done by the Author ceases, and devolves on his writings. Whether the author be in prison, or at liberty, the book goes on its circuit. And though the punishment inflicted on him may be a just sentence of the law, yet it will never prove a remedy for what is past, or stop the evil of its future progress.

Thus the method of cure, proper for both these maladies, is intirely different. The surest means of draining the source, from whence the mischiefs of the Dogmatist flow, are to arrest him directly: But to treat the author in the same manner, would answer no wise end: On the contrary, it would but increase the evil, by rendering his book more popular, and consequently make bad worse, as the Letter-writer somewhere expresses it. Therefore this method of proceeding is highly improper, the precaution, in this case, being needless, and quite inconsistent with the subject. It is a penalty that should only be inflicted after trial and condemnation, and which serves no purpose, but the mere punishment of the offender. Though the crime should not be even of a civil nature, yet we ought to begin by reasoning with him. We should convince, and exhort

hort him to make reparation ; to abjure, in the most publick manner, the erroneous opinions he had propagated, and so readily, as that his last sentiments might reinstate those in their orthodoxy, whom his former doctrine and principles had so fatally corrupted. If instead of complying, he should continue his heretical contumacy ; then, and only then, we ought to apply corrosives, when gentler methods have failed in their effect. If such methods were pursued, we should certainly find them answered by suitable returns. Such is the spirit of the Law, such the design of a wise Government, *less inclined to punish the author, than to prevent the pernicious effects of his work* *.

What lenity, therefore, should not an Author be treated with, when the Ordinance, which is conformable to the spirit of Christianity, requires not that even Dogmatists should be arrested, till after all means, to recall them to their duty, have been tried ? The Legislature would prefer the hazard of a probable evil, to the certainty of preventing it, by such methods as charity forbids. Pray, how does it appear, or whence can it be concluded, therefore, that the same Ordinance would issue a Decree for taking the Author into custody ?

But the writer of the Letters, after declaring that his maxims, with respect to that article, would be found to agree very well with those of the Remonstrants, adds, *but these are*

* Page 25.

not maxims of our Law ; and immediately after, That those who inclined to a free toleration, could, nevertheless, be severe on the Council, for not having silenced a Law, whose exertion was by no means answerable to their conveniency.* This conclusion is really surprizing, after so many attempts to prove, that the only Law, which seems applicable to my offence, has not, at the same time, any necessary connection with it. The reproach cast on the Council, is not for silencing a law now in force, but for using that as law, which never before existed as such.

The arguments made use of by this author, seem to me very singular, and a quite new species of logick. Do you imagine, Sir, there is any reasoning to be found in this syllogism?

The Law obliges the Council to treat the Author of the book with severity.

And what is that Law, that obliges the Council to be severe against the Author? He then proceeds:

In fact there is no such Law ; but there is another, which prescribes that the Dogmatist should be treated with lenity: Ergo, the Author, of whom it makes not the least mention, is to be punished with rigour.

This reasoning will appear more strange to those who know that Morelli was prosecuted, not as a Dogmatist, but merely as an Author. He had written a book, and on that alone his

accusation was grounded. According to our Author, there was no occasion for him to be heard in his defence; his crime consisted merely in writing a book; yet he was heard, and not only heard, but heard with attention: the whole procedure was carried on exactly as the Ordinance directs, with regard to that point, which, we are told, has nothing to do with books, or authors. The book was not even burnt, till the author absconded; no order issued for his being apprehended; no mention made of his punishment*. In effect, all this was done under the eyes of the Government, by the most sanguine partizans of the Ordinance, at the very moment of its institution, when, according to this anonymous author, the severe spirit by which it was dictated, was at its greatest height, and which he alledges as a

* Observe the circumspection of the Magistracy throughout this whole affair, the gentle and gradual methods of their procedure, the report of the Consistory, and all the solemnity of passing sentence. the Syndics, seated on their tribunal, with the Scriptures before them, invoked the name of God. After mature deliberation, and asking advice of the citizens, they pronounced Judgment, in presence of the people, for their information, which they printed and published; and all this mock solemnity, only for the condemnation of a book, without dishonouring, or decreeing, in any manner, against the obstinate and contumacious author. But these gentlemen have since learned to dispose of the honour and liberty of men with less ceremony, and especially with respect to their own citizens: for it is to be noted, that Morelli was a stranger.

justi-

justification of the rigour, with which I was treated.

Now hear the distinctions he has made on this subject. After ridiculing the lenity used in the case of Morelli, the time given him for his submission, the slow and regular procedure before the order for burning his book, he adds, "All these steps were very proper, but must it be concluded from hence, that in all cases this must be brought as a precedent? Must the process be the same against an absentee, who attacks all religion, as against a person, who is present, and who has only censured the discipline? which being the institution of men, may be suspected of error *; that is to say, in other words, ought the same lenity to be exercised towards a man, who meddles not with their laws, and who lives out of their jurisdiction; as to one who attacks their laws, and is, at the same time, their subject?" It seems, this cannot admit of a doubt. But I am certain it is the first time it ever entered the mind of man to conceive, that the crime was aggravated only because it was committed without the limits of the state.

"Indeed, continues he, it is remarked in the Representations in favour of M. Rousseau, that Morelli only wrote against a point of discipline; and that M. Rousseau, in the opinion of his judges, attacked the fundamentals of all religion. But this reflection

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“ may not be universally admitted, and those
“ who regard religion as of divine institution,
“ and as the support of the constitution, may
“ be of opinion, that it is more criminal to
“ attempt its subversion, than to write against
“ mere matters of form, which are of human
“ invention, and may be thought susceptible
“ of error; at least, may admit of alterations,
“ without derogating from the purity of religion*.”

This reasoning might, I confess, seem very proper from the mouth of a Capuchin friar; but I am astonished that it should come from the pen of a magistrate. What does it signify, whether this remark of the Remonstrants be generally admitted, or not, if those by whom it is rejected, are incapable of reasoning upon the subject.

Without doubt, it is a greater crime in the sight of God to offend against religion, than barely to find fault with discipline. But it is not so before an earthly tribunal, which is established for the punishment of crimes, not of sins; and are not the avengers of Heaven, but of the Laws.

Religion can never make a part of the constitution, but as far as it relates to the actions of men. The Law orders, or forbids actions, but cannot direct our belief. So, whoever attacks not the practice of Religion, incurs not the displeasure of the Law.

But as discipline is an essential part of the legislature, it becomes itself a law. He that attacks that, offends against the law, by attempting to subvert the constitution. Though that constitution, before its establishment, was susceptible of different forms of discipline, is it less respectable for having adopted one of those forms, in preference to all the rest? Is not the political law, therefore, with regard to temporal affairs, as immutably fixed, as that of divine institution?

Those who, in this case, should reject the remark of the Remonstrants, would be much in the wrong, as it was made by the very Council in the sentence against Morelli's book, which is accused particularly, *of tending to promote schism and sedition in the state*; an imputation it would be difficult to lay to my charge.

The business of civil tribunals is not to defend the cause of God, but only that of men. They have not the charge of souls, but of bodies. It is the state, and not the church, they are appointed to take care of; and whenever they meddle in religious matters, it is only as far as they relate to the laws, with respect to good order, and the safety of the publick. These are the maxims of true policy; not founded on the doctrine of absolute power, but on reason and justice. Whenever the civil magistrate swerves from the proper object of his jurisdiction, the most criminal abuses are introduced, the state put into disorder, and both
law

law and authority degenerate, and become a public nuisance. I am sorry for the people of Geneva; whom, it is plain, the Council sufficiently despises, in daring to impose on them with such arguments, to which they are greater dupes than the most ignorant and superstitious nation in Europe. Your Remonstrants reason on that subject like Statesmen, and your Magistrates like Monks.

As a proof that the example of Morelli is no precedent, the author of the Letters compares the prosecution against him, with that carried on against Nicholas Antoine, in 1632, a poor mad creature, whom the Council, at the instance of the Ministers, sentenced to be burnt, for the good of his soul. These Auto-da-Fès, as I observed before, were no rarities at Geneva; and it appears, with regard to myself, that these gentlemen are very well inclined to renew, and establish, that species of Inquisition in their country.

I shall faithfully transcribe the passages, that I may avoid imitating the malice of my enemies. We will now proceed to examine the process in the case of Nicholas Antoine.

“ The ecclesiastical sentence is still existing,
 “ and we are not so remote from the time it was
 “ pronounced, but that we may perceive by
 “ what spirit it was dictated. Was Antoine cited
 “ to appear before the Consistory? Yet amidst so
 “ many voices that exclaimed against this sanguinary decree, and notwithstanding the efforts made to save him, by all humane and moderate persons, yet no man condemned the irregularity

“regularity of the process. Morelli was cited to
 “the Consistory; Antoine was not; therefore,
 “citation is not necessary in all cases †.”

Perhaps you will imagine that the Council acted as precipitately against Antoine, as it did against me, with regard to the Ministers or the Consistory; you shall know presently.

Nicholas Antoine, in one of his fits of frenzy, being about to cast himself into the Rhône, the Magistrate was determined to remove him from the public house, where he lodged, in order to place him in the Hospital, and put him under the care of the Physicians.

“He remained there some time, uttering the
 “most horrid blasphemies against the Christian
 “religion. The Ministers came to him constantly, and endeavoured, during his lucid intervals, to reclaim him from his errors, but
 “in vain. He persisted in declaring, he would
 “never change his sentiments, and that he was
 “prepared to suffer for the glory of the great
 “God of Israel. Not being able to prevail,
 “they informed the Council, and representing
 “him as more impious than Servetus, Gentilis,
 “and all the Antitrinitarians together, they
 “concluded that he should be strictly confined,
 “which was executed accordingly *.”

You now perceive why he was not cited to the Consistory; it was because being very ill, and under the care of the Physicians, it was impossible he should appear. But if he went

† Page 17.

* Hist. of Geneva, in 12mo. vol. ii. p. 359.

not to the Consistory, the Consistory, or its Members, came to him. The Ministers saw and exhorted him every day. At length, all their endeavours proving vain, they made their reports to the Council, representing him in a worse light than any of those who had been condemned to death, and required he should be sent to prison, which was granted to their importunity.

The Ministers, still indefatigable, renewed their exhortations in the prison, and discussed with him several passages of the Old Testament: they conjured him, by all they imagined might affect him†, to renounce his errors; but he continued unmoved. He was then brought before the civil Magistrate, who administered the usual interrogatories. During this process, the Magistrate had again recourse to the Ministers, who appeared before the Council, to the number of fifteen, as well Pastors as Professors. Their opinions were divided, but the advice of the majority prevailed, and Nicholas was executed.

As this process was entirely ecclesiastical, it might properly be said, that Nicholas was burnt by the hands of the Ministers.

* Suppose he had renounced his errors, would they have afterwards put him to death? According to this author's maxims they should have done so. But it appears that, notwithstanding his incorrigible obstinacy, the Magistrate ceased not to advise with the Ministers. He looked on him, as being still liable to their jurisdiction.

Such,

Such, Sir, was the order of procedure, in which the author of the Letters assures us, Antoine was never cited before the Consistory; from whence he concludes that form may sometimes be unnecessary. Has he, do you think, quoted a case any way suitable to his purpose?

But admitting it to be so, what is the conclusion? The Remonstrants argue from a fact, in order to establish a law; the author of the Letters draws an inference from a fact against that very law. If the authority of these facts destroy each other, the law remains just as it was. Is the law less positive for being once infringed; and does a violation of it in one instance, give us the right of perpetual transgression?

Let us conclude, in our turn. If I have dogmatized, I am certainly obnoxious to the law. If I have not, what have they to object against me? I have broke no Ordinance*. And this must be the alternative: If there be a law against which I have offended, I am guilty; but if that is only supposed to be law, which is not so in fact, then I cannot have transgressed against that which has no existence.

It is certain, that a bare judging of the works, is no definitive sentence against the

* Nothing is criminal that transgresses no law of Nature, but where there is a prohibition by some positive law of society. This remark is intended to shew your superficial reasoners, the exactness of my dilemma.

author.

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author. An order has been issued for arresting him, but that is no great matter. I think it severe; but we must not be unjust, even to those who are so to us, or look for iniquity where it is impossible to be found. I accuse not the Council on account of their distinction between the book and the man, which they meant as an apology for their rash sentence, in condemning me unheard.

The Judges might possibly have seen the case in the same light they have represented it, therefore I do not accuse them of deceit, or want of probity. I only blame them for suffering themselves to be imposed on in a very serious affair, at my expence. To be deceived in pardoning, is tolerable; but to suffer an imposition, in order to condemn, is a most cruel and detestable mistake.

The Council, in their answers, advanced, that notwithstanding the dishonour thrown on my book, they allowed me, as to my person, the benefit of all my exceptions and defence.

The authors of the Remonstrances reply, that they cannot comprehend what defence, or exceptions can be taken, by a man who is publicly declared impious, insolent, and scandalous, and dishonoured by the hands of the executioner, in the works that bear his name.

“ You suppose a falsity (says the writer of the Letters,) “ which is, that the sentence “ passed on the works is communicated to “ the author. But this sentence has not in
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“ the least sullied his reputation, therefore his
 “ defence and exceptions are still valid, as
 “ far as relates to his person *.”

You deceive yourself, would I answer this writer. It is true, that the judgment, which has not destroyed the credit of the book, has not yet attacked the life of the author, but it has murdered his honour. His exceptions and defence are still good, as to the pain afflictive; but he has already received, in his mangled reputation, the utmost rigour of the pain infamous. He is now effectually ruined and dishonoured, as far as depended on his Judges. The only point undecided with them is, whether they shall not yet commit him to the flames.

The distinction between the Author and the Book is trifling, because a book is absolutely unpunishable. A book, considered in the abstract, can be neither impious nor insolent; these epithets properly belong to the doctrine it contains, that is, to the author of that doctrine. When a book is burnt, what punishment does the executioner inflict? Does the paper suffer either pain or infamy? Or how can it, in any sense, be dishonoured? Who ever heard that a book, which is but paper, was, in itself, capable of receiving either honour or disgrace.

Here lies the error, and this the source of it, a custom ill understood.

Of the multitude of books, which are published every day, few are written with a laud-

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able intention. At least sixty in an hundred are written through motives of interest or ambition; thirty others, dictated by the spirit of hatred and party rage, convey to the publick, under the masque of being anonymous, the bitter poison of satyr and detraction. Ten, perhaps, (and that is much,) have just and honourable views; they publish the truth, they know and pursue the good they love. But what author is ever pardoned the crime of telling truth? He must conceal himself, or he dare not utter it. To be useful with impunity, he must send his book abroad, but be sure still to keep himself concealed at home.

Of this great variety of books, the bad ones, and almost all those which have even merit, are condemned and suppressed, if possible, by the Courts of Judicature. The reason is self evident; it is but a formality, lest it should be thought those books were tacitly approved of. For the rest, if the author avoids putting his name, though every body knows it, yet the magistrate takes no notice. Many persons own themselves the authors, out of vanity at one time, and disavow it, at another, through fear. The same man shall be the author, or not, in presence of the same person, as it happens to be, either at an audience or an entertainment. It is only saying yes, and no, without giving themselves any farther trouble; and by this artifice, security is never sacrificed to vanity. It is my want of this prudence and address that the author of

the Letters has taken occasion to censure, which, however, were unnecessary in my case, and, at best, lays the mind under a disagreeable embarrassment.

This method of proceeding against anonymous books, whose authors it is thought improper to know, is become a practice in the Courts. When they would be severe against the book, they burn it, because they then have no body to prosecute, and perceive that the concealed author has no great inclination to declare himself; they have the pleasure of ridiculing, with the very author, at night, those informations they have received against him in the morning. Such is the probity of these honourable magistrates.

But when an author is deficient in address, that is, one who knows his duty, who would fulfil it, and who thinks he ought to tell the publick nothing he dare not avow; who is neither ashamed of his name, nor of answering for what he has written; then equity, which forbids that a man of honour should be punished for his want of artifice, prescribes a different method of proceeding. There should be no distinction, then, between the book and the man. As he has shewed, by putting his name to it, his desire they should not be separated, equity requires that there be no judgment passed on the work, till the author be called upon, who only can answer for it. So that to condemn an anonymous book, is, in fact, to condemn nothing but the book; but to condemn a
book,

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book, that bears the name of the author, is an absolute condemnation of the author himself; and to deprive him of an opportunity of answering for his conduct, is, in fact, to condemn him unheard.

The preliminary citation, therefore, and the decree of caption, are indispensibly necessary in such case, previous to any process against the book. It is in vain to say, with the author of the Letters, that the guilt is evident, that it appears in the book itself: this can be no reason for dispensing with the necessary forms of judicial proceedings, which are constantly followed with respect to crimes of the most heinous nature, the best attested, and the plainest proved. For though a murder had been perpetrated in the sight of multitudes, yet, the assassin is not to be condemned before he is heard, nor without putting it in his power to answer for himself.

Why should the honest openness of an author, in avowing himself, be construed as a mark of guilt, and turn so much to his disadvantage? Should it not, on the contrary, make him more worthy our esteem? Ought the Judges to be more circumspect, than if he had concealed his name? Why has he risked his safety, by treating on bold subjects, that may be liable to exception, unless he was insured against danger, by the defence he could be capable of making; and which may be presumed, from the sincerity of his conduct? The author of the Letters may make as free as he pleases, with what he calls

imprudence, and want of address; but, in my opinion, it is no more than the part of an honest man, who sees his duty in what is falsely termed imprudence; who is sensible he has nothing to fear, if judged by the rules of equity; and who thinks it an unpardonable meanness of soul, to publish what he dare not avow.

If there were nothing in question but the reputation of an author, where is the necessity of prefixing his name to the book? Who is ignorant of the artifice used by some authors, to receive all the honour without running the risque? to magnify their characters, without the trouble of being called in question; and to assume an air of humility, when really infected with the strongest vanity? What authors, of a certain class, are unacquainted with this little stroke of address? Which of them knows not, that he is even unworthy the dignity of naming himself? As if every one, who reads the work, could be capable of guessing the great man that composed it?

But these gentlemen have never seen any thing out of the ordinary course: and so far are they from perceiving the exception in my favour, that they have actually made use of it against me. They ought either to burn the book, without regarding the author; or, if they began with him, they should wait for his appearance, or contumacy, before they proceeded to burn his book. But, on the reverse, they first burned the book, as if they
knew

knew not the author; and condemned the author, as if the book had not been burnt. What! Judge me, after they had declared me infamous? What would they have? For what fate, more dreadful, do they yet reserve me? Are they ignorant, that an honest man prizes his reputation beyond his life? What penalty remains for him, when he is publicly dishonoured? To what purpose should I aver my innocence before the Judges, when the treatment I received without being heard, is a more cruel punishment than any they could have imposed, admitting they had found me guilty?

They began with treating me, in all respects, as a malefactor, who had no longer any honour to lose, and who could receive no future punishment, but what was corporal; and after, with all the coolness imaginable, declared me entitled to my exceptions and defence. But how can these exceptions, or any defence I should make, ever efface the ignominious affronts I before sustained, both in my book and person? Suppose I had been publicly dragged through the streets by officers, and, to all the evils with which I had been loaded, they had added the rigours of a prison? What then? Are all persons, and all crimes to be confounded, with any degree of justice? Must a citizen of irreproachable character be dragged to prison, like a vagabond, for an act of sincerity, falsely called want of address? And of what advantage are integrity of life and the publick

esteem, in the consideration of the Judges, when the untainted honour of fifty years has not credit sufficient to procure exemption from the grossest affronts * ?

“ The comparison between the prosecution carried on against Emilius, the toleration of the other works, and the partiality with which they take the liberty of reproaching the Council, on that account, seem not well grounded. It is bad reasoning to say, that because a government was once guilty of dissimulation, it is obliged always to be so. If it happens through neglect, it may be redressed; if it be a sentence that circumstances or policy require, there would be very little justice in making it matter of reproach. I do not pretend to justify the writings pointed out in the Remonstrances; but is there really, in conscience, no difference between books that have only here and there some indiscreet touches against religion, and those in which

* In the examination on the interrogatories there was sufficient proof to destroy the credit of the presumptions the author of the Letters affects to accumulate on me. He says, the offending books were of the same size as my other Works. It is true, they were in duodecimo and octavo. Of what size, therefore, are other authors? He adds, that they were all printed by the same bookseller. This is a false assertion; Emilius was printed by other hands, and in a different type, from the rest of my Works. So the proof that must result, from bringing the witnesses and the accused face to face, would contribute to my discharge.

“ we

“ we find the whole civil society of mankind
 “ violently assaulted, by opinions abruptly
 “ and grossly obtruded on the understanding,
 “ and exerting the most pernicious influ-
 “ ence? Let us impartially consider the dif-
 “ ferent merits of these works, and compare
 “ them together; let us judge of them by
 “ the impression they make on the world;
 “ the first are published, and dispersed every
 “ where; the last are received in a manner
 “ suitable to the just contempt and abhor-
 “ rence they so well deserve *.”

I thought proper to transcribe the whole of this paragraph. I shall now quote it by fragments; it deserves really to be analyzed.

Why were not these books printed at Geneva? Why were they not licensed? Works which cannot be read without indignation, are there sold publicly: every one reads and admires them; the magistrates are silent, the ministers smile, austerity is no longer in fashion. I, and my books alone, were the objects of animadversion. But of what animadversion? The most dreadful that can be conceived. Good God! I never could have believed myself so great a villain.

The comparison between the prosecution carried on against Emilius, the toleration of the other Works, and the partiality with which they take the liberty of reproaching the Council on that account, seem not well grounded. I hope so, too.

* Page 23, 24.

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It is bad reasoning to say, that because a Government was once guilty of dissimulation, it must be always obliged to do the same. Be it so; but consider the times, the places, and the persons. Consider with what writings they thus dissembled, and those, with respect to which they were determined to dissemble no longer. Behold the authors that are carested at Geneva, and behold those who are there persecuted.

If it happens through neglect, it ought to be redressed. They can, they ought, but have they done so? I and my writings have been blackened without deserving it, and those who have merited censure are tolerated, as much as ever. I only am the person excepted.

If it be a silence that circumstances and policy require, there would be very little justice in making it a matter of reproach. If you are compelled to tolerate reprehensible books, grant the same privilege to those that are blameless. Decency requires a concealment of such scandalous partiality from the vulgar, which punishes the weak and innocent, for the crimes of the guilty in power. How! are we to take these infamous distinctions as reason; and are we to be always their dupes? They may with as great propriety affirm, that some obscene pieces are of mighty concern to the commonwealth, and that your city will be demolished, if it does not tolerate, if it does not print, if it does not permit the same works to be sold publickly, which are proscribed in the Author's country. How arrogant do they
make

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make ye, O people! of Geneva! by so often using the interposition of the higher powers, to authorize the evil they know not, and which they would suffer to be acted in their name.

When I came into this country, it was reported, that the whole kingdom of France was at my heels. My books were burnt at Geneva; that was for making my complaint against France; they condemned me; France would have it so; they banished me from the Canton of Berne, it was France demanded it; they pursued me quite to these Mountains; if I had been driven farther, it would still be by France. Compelled by so many outrageous injuries, I wrote a letter of apology; I looked on myself as undone. I was surrounded by enemies, and my every motion watched. France employed spies to observe me, and ruffians to assassinate me; it was dangerous for me even to stir out of my house. All my perils proceeded from France; from the Parliament, the Clergy, and the Court itself. Never was a poor scribbler known to become a man of such importance. Tired at last to death with these brutalities, I go to France; I very well knew the disposition of the French; and I was unhappy. They receive me with open arms, they load me with caresses, I meet with many civilities, and it was my own fault that I did not accept of more. I returned home with great tranquillity. The French blame my imprudence, but they cease to threaten; they are in the right.

If any assassins should deprive me of life, they will certainly never come from that country.

I do not confound, or mistake the various causes from whence my misfortunes proceed. I very well perceive, and can distinguish between those evils which are the effects of circumstances, and sad necessity, and those which are entirely owing to the malice of my enemies. Would to God I had been no worse treated at Geneva than in France, and that my countrymen had not been more implacable! Every body is now sensible from whence I have received the most deadly blows, and your people make a subject of reproach of those very evils which have been the work of their own hands. What can be a more execrable calumny, than to object as a crime at Geneva, the persecutions raised by themselves against me in Switzerland? and to blame me for being allowed to settle no where, when they caused me to be driven out of every place? Ought I to accuse that friendship, which first gave occasion to my coming into this country, so near bordering on my own? I dare call to witness all the people of Europe, that, excepting the Swiss, every other nation not only received me hospitably, but even with respect. Must I for ever complain of the place I chose as a retreat? No: in despite of the most obstinate persecution, I have been rather a gainer: I have found a man, a noble and generous soul. O George Keith! my friend, my protector,
my

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my father ! wherever you be, wherever I shall end my wretched days ; and though I must never more see you ; yet I shall not reproach Heaven with my misfortunes, since it is to them I am indebted for the happiness of your friendship.

But is there really in conscience no difference between books that are only interspersed with some indiscreet touches against religion, and those in which we find the whole civil society of mankind violently assaulted, by opinions abruptly and without the least disguise, obtruded on the understanding, and exerting the most pernicious influence !

In conscience ! ---- It becomes not such a miscreant as me, to speak of conscience ---- and before such good Christians ---- so I hold my tongue. ---- I think it, however, a very extraordinary kind of conscience, which can make them tell the magistrates ; We easily permit blasphemy, but we cannot endure reasoning ! It is only allowing for the difference of the subject, and it will appear in the same light as the impious absurdity of the Athenians, applauding the wretched doctrine of Aristophanes, and at the same time putting the good and wise Socrates to death.

There is one thing contributes much to give me confidence in my opinions, and that is, when I find the application of them always just in events the most unforeseen. Such is the present case. One of the maxims derived from my analysis of religion, and of what is essential to it, is, that we should never meddle with other people's affairs, but
when

when there is some point that concerns ourselves; whence it follows, that men ought not to punish one another for offences that relate only to Heaven, which knows very well how to avenge itself. The Remonstrants quote from Montesquieu, *We should reverence the Divinity, but never avenge his wrongs* * : they are in the right. Yet ridiculous and absurd opinions, gross impieties, and blasphemies against religion, are esteemed punishable by human tribunals; but reasoning never. Why so? Because in the first case religion is not only attacked, but all its professors, who are insulted and disturbed in

* You will observe, that I only make use of the word *wrong*, in compliance with custom, though I am far from admitting it in its literal sense, which I think ill applied. As if any being, man, angel, or the devil himself, could offend or injure the Deity. That which we express by *offence*, or *wrong*, is translated in the same manner as almost the whole of the Sacred Text is, and that is saying enough. Men puffed up with their Theology, have translated and disfigured that admirable book, according to their own narrow ideas, and from hence they feed the folly and fanaticism of the people. I find great wisdom in the caution used by the Church of Rome, with regard to the translation of the Scriptures into the vulgar tongues, as it is unnecessary to offer to the common people the rapturous meditations of the Song of Solomon, or the continual curses given by David to his enemies: So the subtleties of St. Paul concerning Grace, and even the sublime morality of the Gospel, in terms not expressive of the author's meaning, are dangerous to be put into their hands; for in departing ever so little from the right road, they will go too far.

their

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their worship. There is a rebellious contempt shewn of every thing respected as sacred in religion, which consequently includes the persons who are its votaries. Such outrages as these fall certainly under the cognizance of law, as they affect mankind, who have a right of resenting them. But who ought to be offended with reasoning? Who is there that can be angry at being treated as a reasonable creature? If the reasoner deceives either himself or us, and you are of his opinion or of ours, shew him his error, undeceive us; fight him at his own proper weapons. If you do not chuse the trouble, say nothing, hear nothing, let him reason or not reason, and all is over without noise, or without insulting or quarrelling with any person whatsoever. But on what can the contrary maxim be founded, of suffering railery, despising outrage, and at the same time punishing reason? There mine, I confess, is lost.

These gentlemen see M. Voltaire very frequently. I wonder he had not inspired them with a little of that spirit of toleration he continually preaches, and which is sometimes necessary for himself. If they had ever consulted him on that occasion, I believe he would have answered them in terms pretty much like these:

“ It is not, gentlemen, those who reason,
 “ but your pretended devotees, that do this
 “ mischief. Philosophy may go on, its own
 “ road, without any inconvenience. The
 “ people

“ people understand nothing of it, or else
 “ let it say on, and philosophy returns all
 “ the disdain that is conceived against it.
 “ Reasoning is, of all follies, that which
 “ does the least injury to mankind, and we
 “ see wise persons sometimes infected with
 “ it. As to my part, I do not reason at all,
 “ but others do. Where is the harm? Look
 “ into such or such an author, you will find
 “ nothing in them but innocent pleasan-
 “ tries. As to myself, if I reason not, I do
 “ better. I make my readers reason. See
 “ my chapter on the Jews: See the same
 “ chapter farther explained, in the Sermon
 “ of the fifty. I believe there is reasoning
 “ in that, or something like it. You will
 “ also admit, that there is very little circum-
 “ locution, and a good deal more than indis-
 “ creet and slight touches.

“ We have agreed that my great credit at
 “ court, and my assumed dignity, should
 “ serve to cover the jests and sports of my
 “ old age, and suffer them to rest in peace.
 “ Very well; but burn not graver writings,
 “ for that indeed would be extremely in-
 “ jurious.

“ I have very much recommended Tolerance,
 “ that is true; but we should not al-
 “ ways exact it of others, while we never
 “ make use of it towards them. This poor man
 “ believes in God: What then? he will
 “ not form any sect. He is tedious; so are
 “ all reasoners. We shall not make him
 “ one of our company at any of our enter-
 “ tainments;

“tainments ; that is all. What have we
“farther to do with him ? If all stupid books
“were to be burnt, what would become of
“the libraries ? and if all tiresome people
“were to be burnt, we must make a pile of
“the whole country.

“Believe me, it is the best way to in-
“dulge them in reasoning, who take in good
“part our pleasantries. Let us burn neither
“authors nor books. Let us live in peace ;
“that is what I advise.”

This is what, in my opinion, M. de Vol-
taire would have said, though in a much
better manner ; and, as I think, might not
be the worst advice he has given.

*Let us compare these Works impartially, and
let us judge of them by the impression they have
made on the world. With all my heart. The
one is printed and dispersed all the world over ;
we know very well how the other has been re-
ceived.*

These words, *the one and the other*, are
equivocal. I shall not say which of them the
author lays at my door ; but this I know, that
mine are printed in all countries, translated
into all languages, and that there were two
translations of Emilius made at the same
time in London ; an honour never con-
ferred before on any book, except Heloise ;
at least as far as I know. I will moreover
affirm, that I am respected in France, in Eng-
land, in Germany ; and even in Italy they
love me, and would give me a good reception ;
and there is an universal cry of indignation
against

against the Council of Geneva. This much I can say, with regard to the fate of my Works; I know nothing of what attended the writings of others.

It is time I had done. You see, Sir, that in this and the preceding Letter, I suppose myself to be guilty; but in the three first I proved my innocence. Now judge if a process, which was unjust even against a delinquent, ought to have been made use of against the innocent.

Yet these gentlemen, being fully resolved to let this procedure subsist, have haughtily declared, that the welfare of religion would not admit an acknowledgment of the injury, nor the honour of the government a reparation of the wrong. It would require a volume to set forth the consequences of that maxim, which changes all the iniquitous practices of the ministers of law into a decree of fate, and reverts them as such. That is not the subject I am now upon; all I purposed in this place, was to enquire if any injustice had been committed, and not what reparation was necessary. Taking it for granted, we shall see by and by, what steps can be taken, according to your laws, as a remedy for their violation. In the mean time, what shall we think of those inflexible Judges, who proceed as lightly in their determinations, as if they could have no consequences, and yet maintain them as obstinately, as if they had been the result of the maturest consideration.

Though

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Though these points have had a long discussion, I imagined the object of them would have prevailed on your patience to go through them. I indeed think it should, as these discussions are as much an apology for your laws, as for myself. In a free country, where a rational religion was professed, the law that should pronounce a book like mine criminal, would be a dreadful one, indeed; and should be abrogated immediately, for the honour and emolument of the state. But thanks to Heaven, no such law exists amongst you, as I have now proved; and it were better owing to the corruption of the magistrate, than to the injustice of the laws. For the mistakes of men pass away, when the error of the law remains as long as themselves. The Decree, that banishes me for ever from my country, is so far from being the consequence of my faults, that I never discharged the duty of a citizen better than at the moment I ceased to be so; I even have merited the title, by the very act which obliged me to renounce it.

Recollect what happened a few years since, in the case of M. d'Alembert, on the subject of the article, Geneva. Far from pacifying the murmurs raised by that article, the writing published by the Pastors had only augmented them; and every one knows, that what I writ did them more service, than any thing that came from themselves on the occasion. The Protestant Party made no stir, tho' it ought to have exerted itself; and unfortunately,

fortunately, Government gives itself but little concern about such things, as the disputes of Theologists, designed to fall into the oblivion of even their authors, generally erect themselves into consequence, by the notice that is taken of them.

For my part, I always thought it was for the honour and good of the community to have a clergy animated by a spirit very rare in their order, which, without attaching itself too much to a doctrine merely speculative, refers all to morality, and the proper discharge of the duties of the man and the citizen. I imagined, that without making their apology in direct terms, to justify the maxims I have supposed, and prevent the censure that might fall if those maxims were adopted, would be an essential service to the State, and by shewing that what they would neglect was neither certain nor useful, I hoped to restrain those who might make it a crime; and that without so much as naming or pointing out any person, and without mentioning a word concerning orthodoxy; that it might serve as an example to other divines.

The attempt was bold, but not rash, and must naturally have succeeded, but for circumstances it was impossible to foresee. I was not the only person of this way of thinking, but several of great understanding among the Magistrates were of my opinion. Consider the state of religion in Europe at the moment my book was published, and you will perceive.

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perceive that it was more than probable it would meet with a good reception. Religion, every where rendered less venerable by philosophy, had almost lost all its influence on the people. The churchmen, obstinately propping it on their own weak side, had let all the rest be undermined, and the whole edifice was ready to tumble down. Controversy was at an end, because nobody was interested in it; and peace was concluded between the different parties, because none gave themselves any trouble about their own side of the question. To remove a rotten branch they had cut down the tree. Leaving the trunk was sufficient to replant it.

What moment could be more desirable for establishing the general peace, than that wherein animosities were suspended, and left people at liberty to hear reason. How could a work displease, which, without blaming or excluding any person, shewed that at bottom all were agreed; that so many dissensions were raised, so much blood spilled, for points ill understood. That every body should remain in his own way of worship, without troubling himself about that of others; that in all places God ought to be served, our neighbour loved, the laws obeyed, and that was the essence of all sound religion.

This was at once to establish a philosophick liberty, together with the piety of religion; this was to conciliate the love of order with
allowing

allowing for the prejudices of others; this was to bring all parties into the common pale of humanity and reason. Far from the promoting quarrels, this was to cut the root of those evils that still sprouted, and which rise again when the zeal of fanaticism, which is only dropped asleep, shall waken again. It was, in a word, to give every person the strongest reasons, in this age of indifference, to continue always what he is, without giving himself the trouble of knowing why.

How many evils, just ready to make their appearance, would have been prevented, if they had taken my advice? And what inconveniencies could have arisen to countervail the advantage? None. I defy them to shew me one, either probable or possible, if it be not the exemption of innocent errors from punishment, and clipping the wings of persecution. How comes it to pass, that after sad experience, and in so enlightened an age, Governments have not learned to cast away and break that dreadful weapon, which can never be managed with such address, but it cuts the hand that makes use of it.

The Abbé de St. Pierre advised, that the Divinity Schools should be suppressed, and that would best support religion. What better method could be taken to arrive quietly at this two-fold object, which, properly viewed, is blended into one? Certainly the very part I acted was the most obvious way of leading to so desirable an end.

One

FROM THE MOUNTAINS. 191

One unfortunate circumstance hindered the effect of all my good intentions, and brought all those evils on my own head, from which I would deliver the whole human race. Will there ever arise another friend to truth, that my fate will not terrify? I cannot tell. I wish he may be wiser than I; but if he has the same zeal, will he be more successful? I doubt that. An opportunity once lost never returns. I wish, with all my heart, the Parliament of Paris may not repent one day their putting that sword into the hands of Superstition, which I wrested out of them and cast to the ground.

But let us quit these distant times and places, and return to Geneva. It is there I would choose to bring you by my last observation, which is much in your own way of thinking, and must certainly strike you. Cast your eyes round, and observe all that passes. Who are my persecutors? Who are they that take my part? Behold, among the Remonstrators, the principal of your citizens. Has Geneva any more valuable? I shall say nothing of my persecutors. God forbid, I should ever sully my pen or my cause with the virulence of satire; I quit, without regret, that weapon to my enemies: But reason, and judge for yourself. On what side lie morals, virtues, solid piety, and true patriotism! How! I have offended against the laws, and yet the law's most zealous defenders are my friends! I attack the Government, and the
best

best citizens approve of me ! I attack Religion, and yet I have on my side those who best practice Religion ! This observation alone is sufficient ; it points out my real crime, and the true cause of my disgrace. They who hated, and have done me all manner of injuries, write my eulogium, even in spite of themselves. The true cause of their hatred is evident, and speaks itself. A Genevan can never mistake it.

LETTER

LETTER THE SIXTH.

ONE more Letter, Sir, and you are quit of me. I find myself at the beginning of it, however, in a very whimsical situation ; obliged to write, and hardly knowing how to discharge that obligation. Imagine to yourself a person under the necessity of justifying himself, in regard to a crime of which he is ignorant ; and compelled to defend himself, without knowing of what he stands accused. Such is my case with regard to the affair of Government. I am not only accused, but condemned, and stigmatized for having published two works, *presumptuous, scandalous, impious, tending to the subversion of the Christian Religion and of Government.*

As to Religion, we have had some clue to find out what was meant by it, and we have examined it. But as to Government, nothing can furnish us with the least traces. Every explanation upon this head hath been sedulously avoided : it hath never been said in what part of my works, how, or why, I have endeavoured to subvert Government ; nor hath any thing been said, which might serve to shew the imputation not to be merely

imaginary. It is just as if a man were to be arraigned for murder, without naming the person killed, the time when, or the place where; a murder in mere speculation. In the Inquisition, indeed, the accused is forced to divine what he is accused of; but he is not condemned without being told for what.

The author of the Letters from the Country carefully avoids an explanation also on the pretended delinquency: he sets out with joining Religion and Government in the same general accusation; but, entering on the subject of Religion alone, he declares his intention to confine himself to that only, and is accordingly as good as his word. How shall we be able to ascertain this accusation respecting Governments, if those who bring it, refuse to tell in what it consists.

Observe how artfully, by one stroke of the pen, this author varies the state of the question. The Council have determined that my books tend to the subversion of all kinds of Government. The author of the Letters says only, that Governments are therein exposed to the most audacious criticism. This is very different. A criticism, however audacious, may not be a conspiracy. To criticise, or censure, some particular laws, does not amount to the subversion of all laws. You might as well accuse a man of assassinating the sick, because he exposes the errors of the physicians.

Again, What answer can I make to arguments that are kept secret? How shall I
justify

justify myself against a sentence passed without evidence? If there be no proofs neither on one side nor the other, the gentlemen may alledge that I intend to subvert all Government; and I may say, on the other, that I do not: there is an exact parity in the allegation; except indeed that the publick prepossession is against me: for it is to be presumed that I must know my own intentions better than any body else.

But the parity fails in the effect of the assertion. On the strength of theirs I am personally prosecuted; and what I assert, stands for nothing. If I prove, however, that the accusation is false, and the sentence given against me iniquitous, the reproaches they have made me, return, of course, on themselves. The decree, the executioner, all ought to be retorted on them; as none lay the axe so near to the root of government, as those who make an use of it directly contrary to the purposes of its institution.

It is not sufficient that I affirm; it is necessary for me to prove. And here we may see how deplorable is the situation of an individual, subject to unjust magistrates, when they have nothing to fear from the Sovereign, and they set themselves above the laws. Of a simple affirmation, without proof, they make a demonstration, and thus innocence is oppressed. Add to this, that they make a new crime of his defence, and it is not their fault that he is not punished again for having proved himself innocent.

What means can I take to shew that they have not spoken the truth? To prove that I have not endeavoured to subvert government? If I defend any particular part of my writings, they may say it is not that part which they condemn, although they have condemned them all without distinction, good and bad. To leave them no subterfuge, therefore, it would be necessary to recapitulate the whole, and examine them from beginning to end; book by book, page by page, line by line, and, in a manner, word by word. It would besides be necessary to enquire into the nature of all the governments in the world; as they affirm that I mean to subvert them all. What an undertaking! How many years of my life would it not cost me! How many folios must I not write; and after all who will give themselves the trouble to read them?

Require of me only what is practicable. Every sensible person, I think, ought to be contented with what I have to say to you; and you surely will not desire more.

Of the two books of mine which were burnt together, under the ordinary imputations, there is but one which treats of political law and matters of government. If these subjects are mentioned in the other, it is only by way of extract from the former; Hence I suppose that the accusation must fall solely on that. Again, if it had fallen on any particular passage, it had undoubtedly been cited. Some maxim or other would certainly have been extracted, either faithfully or unfaithfully,

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fully; as hath been done with regard to the points respecting religion.

It must, therefore, be the system established throughout the body of the work, which is subversive of all governments. Nothing more then is required, than to explain this system, or to make an analysis of my book: and if we do not in that see evidently the destructive principles in question, we may know at least where to look for them in the work, by pursuing the method of the Author. But, if in this analysis, which will be but short, any striking consequence should suggest itself, pray, be not impatient. Wait till we have reasoned a little together, and then you may, if you please, return to them.

In what does the unity of the state consist? In the union of its members. And whence arises this union of its members? From the mutual obligations which unite them; so far then we are agreed.

But what is the basis of this obligation? Here authors are divided. According to some, it is force; according to others, paternal authority; and again, according to others, the will of God. Each party maintains its own principle, and controverts those of the others. I myself have done the same; and, adopting the most salutary sentiments of those who have discussed these subjects, have laid down the convention of its members, as the foundation of the body politic, and have refuted the contrary opinions. This principle, independent of its truth, is preferable to all
K 3 others

others for the solidity of the basis it lays down : for what more certain foundation can be devised for any obligation among men than the voluntary engagement of those who are bound ? Every other principle will admit of some dispute * ; but this will admit of none.

By this condition of liberty, which includes others, all kinds of engagements are not valid, even before human tribunals. Thus, in order to determine the validity of this, we ought to explain the nature of it, we ought to discover its use and end ; to prove its convenience to mankind, and that it contains nothing contrary to the principles of natural law. For nations are no more permitted to infringe the laws of nature by the social compact, than individuals are permitted to infringe the positive laws of the state by their private contracts ; and it is by virtue of these laws only that the very liberty exists which gives force to the engagement.

The result of this examination is, that the establishment of the social compact is an engagement of a singular species, in which every individual severally engages himself to all the rest ; whence follows a reciprocal engagement of all towards each individual ; which is the immediate object of the union.

* Not excepting that, of its being the will of God, at least so far as regards the application of that principle. For though it be very certain that the will of man ought to be conformable to the will of God ; it is not clear that God prefers one kind of government to another, nor that he requires men to pay obedience to James rather than to William.

I say

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I say this engagement is of a singular kind, in that being absolute, without condition or reserve, it can neither be unjust nor susceptible of abuse; as it is impossible that the political body can desire to hurt itself, so long as the whole act only with regard to the whole.

It is farther of a singular species, in that it binds the contracting parties, without reducing any one to a state of subjection; and in that, by laying down their own will as their rule, they remain as much at liberty as before.

The will of All then becomes the order, the supreme rule; and this rule, being general and personified, is what is called the Sovereign.

It follows hence, that the Sovereignty is indivisible, unalienable, and that it is essentially invested in all the members of the body.

But how does this abstract and collective Being act? It acts by the laws, and cannot act otherwise.

And what is a law? It is a publick and solemn declaration of the general will, with regard to some object of common concern.

I say, on some object of common concern; because the law would lose its force, and would cease to be just, if the object of it did not relate to the whole community.

The law cannot, by its nature, have any particular and individual object; although the application of the law falls, of course, upon particular and individual objects.

The Legislative power, therefore, which is the Sovereign, stands in need of another power to execute, that is, reduces the law into particular acts. This second power ought to be established in such a manner as always to execute the law, and never to execute any thing but the law. Hence arises the institution of Government.

What is Government? It is an intermediate body, established between the subjects and the Sovereign, for their mutual correspondence, and charged with the execution of the laws, and the preservation of liberty as well civil as political.

The Government, considered as a constituent part of the body politick, partakes of the general will, which it serves to constitute. As a particular body, it has also a will of its own. These two wills sometimes concur and sometimes differ. It is from the combined effect of this concurrence, and this difference, that results the whole play of the political machine.

The principle which constitutes the different forms of Government, consists in the number of members composing it. The less the number of these members, the greater is the force of the Government; and the greater the number of its members, the more feeble is the Government. And as the Sovereignty tends always to a loss of strength, the Government tends always to gain it. Thus the executive body ought naturally, in time, to prevail over the legislative, and when
the

the law is at length subjected to the will of men, they become of course nothing but slaves and masters; and the state is ruined.

Before this ruin comes on, the Government ought, by the same natural progress, to change its form, and to pass by degrees from the greater number to the less.

The different forms of which Government is susceptible, may be reduced principally to three. After having compared these three together, as well with regard to their advantages as inconveniencies, I give the preference to that which is in the mean between both extremes, and bears the name of an Aristocracy.

It ought here to be observed, that the constitution of the State, and that of Government, are two things very distinct, and that I have by no means confounded them.

The best of Governments is the aristocratical; the worst of Sovereignties is the aristocratical.

These discussions lead to others, relative to the manner in which they degenerate, and on the means of retarding the destruction of the body politic.

To conclude; in the last book I examine, by way of a comparison with the best Government that ever existed, viz. that of Rome, the police which is the most favourable to the good constitution of the State. After this, I close the book, and the whole work, by some enquiries into the manner in which Religion may and ought to enter, as a constituent

stituent part, into the composition of the body politick.

What think you, Sir, in reading this short but faithful analysis of my book? I can easily guess. You say within yourself, This is the history of the Government of Geneva. The same hath been said on a perusal of that work by all who have been acquainted with the nature of your constitution.

And in fact, this primitive compact, this essence of Sovereignty, this empire of the Laws, this institution of Government, this manner of confining it in various degrees, in order to supply the want of authority by force, this tendency to usurpation, these periodical assemblies, this address to get rid of them, in a word, this approaching destruction, which threatens you, and which I would have prevented; are not all these striking features of your Republick; forming a perfect picture of it from its birth to the present time?

I have taken your own constitution, therefore, which I thought a fine one, for the model of political institutions, and by proposing it as an example to the rest of Europe, was so far from endeavouring to subvert it, that I pointed out the very means of preserving it. Even this constitution, good as it is, is not without its defects; the alterations it hath suffered might be corrected indeed, to preserve it from the danger it is in at present. I foresaw this danger; I foretold it, and pointed out the preservatives. Was it endeavouring to subvert a Government,

to point out the means of its preservation? My attachment to your constitution made me desirous that nothing should alter it. This is my whole crime. I have, perhaps, been wrong. But if a love for my country hath blinded me, as to this particular, ought I to be punished for it?

How could I mean to subvert all kind of Governments, in laying down as principles all those of yours? The fact alone destroys the force of the accusation; for as a government really existed on such a model, I could not intend, by such means, to destroy all those which existed. No, Sir, if I have described only an ideal system, you may be certain nothing would have been said about it. My adversaries would have contented themselves with adding the Social Compact to the Republic of Plato, Utopia, and the Severambes in the world of Chimeras. But I described an object really existing, and they were desirous the face of this object should be changed. My book bears witness against the attempt they were going to make; and this they will never forgive me.

One thing, however, will appear to you very odd; and this is, that it is said to attack all other Governments; and yet it is prohibited in none of them. It describes only one, and proposes it as an example to others; and under this, behold, it is burnt! Is it not something very singular, that the Governments attacked should be silent, and that the Government recommended should take of-

fence? What! doth the Magistracy of Geneva stand up as protectors of other Governments against their own? Do they punish one of their citizens for having preferred the laws of his own country to those of other nations? Is this conceivable, and would you have believed it if you had not seen it? Hath the work been stigmatized in any other part of Europe? No, not even in the country where it was printed*. Not even in France, where the Magistrates have been so severe on this subject. Have they prohibited my book? Nothing like it. They did not permit, at first, indeed, the entry of the Dutch edition, but they soon after printed another in France, where the Work is current without difficulty. The first restriction appears, therefore, to have been merely an affair of commerce, and not of policy: the profit of the French bookseller was very reasonably to be preferred to that of a foreigner. This was all.

The Social Compact has been burnt nowhere but at Geneva, where it was not printed. The Magistrates of Geneva only found in it principles destructive of all Governments. It is true, indeed, they have not specified what those principles are; and in this they have, no doubt, acted very *prudentially*.

* In the heat of the clamours first raised by the proceedings at Paris and Geneva, the Magistrates in Holland prohibited these two books; but after a proper examination, they changed their sentiments, particularly with regard to the Social Compact,

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The effect of such indiscreet prohibitions is to have them never observed, and thus to weaken the force of their authority. My book is in the hands of every body at Geneva. Oh that the contents of it were as much in their hearts ! Peruse, Sir, this book, so much exclaimed against, though so necessary to be read. You will there see the laws always set above men. You will there see liberty constantly maintained, but always under the authority of the laws, without which liberty cannot exist, and under which men are always free, after what mode soever they are governed. It may be said, that by this I do not pay my court to Sovereigns ; so much the worse for them ; for I study their true interests, if they knew how to see and adopt them. But men are blinded by their passions to their own good. Those who subject the laws to human passions, are the real enemies to Governments : these are the people who ought to be punished.

The fundamental principles of the State are the same in all Governments ; and these principles are better laid down in my book than in any other. And when afterwards I proceed to compare the different forms of Government, the advantages and inconveniences of each cannot fail of being separately estimated. This is what I conceive also I have done with impartiality. Every thing considered, I have given the preference to the Government of my own country. This was natural and reasonable ; and I should have been

been blamed if I had not done it. But then I have not done it, to the exclusion of all other Governments. On the contrary, that every one has its peculiar reasons, which may render itself preferable to every other, according to time, place, and circumstances of the people. Thus so far am I from striving to subvert all Governments, that I have endeavoured to establish them all.

In speaking of monarchical Governments in particular, I have illustrated its advantages, and have as little concealed its defects. This I think to be the privilege of every man who reasons; and though I had even condemned this species of Government, does it follow that I should be punished for it at Geneva? Was Hobbes persecuted in any Monarchy, because his principles are destructive to a republican form of Government: or do Kings proceed against authors, who reject and depress Republicks? Is not the right reciprocal, and are not the Republicans as much Sovereigns in their own country, as Kings are in theirs. For my own part, I have rejected no Form of Government, nor have condemned any. In examining and comparing them I held the ballance impartially, and counted the weights: nothing more.

Reason ought never to be punished, nor even argument; such punishment proves too much against those who inflict it. My Remonstrants have very clearly shewn, that as my book, in which I never depart from general propositions, did not attack the Govern-
ment

ment of Geneva, and was printed out of its territory ; it ought to be considered only as a tract on natural and political law, over which the laws give the Council no manner of power ; but which are publickly sold throughout the city, whatever principles be advanced, or whatever opinions be maintained in them. I am not the only person, who, in treating abstractedly of political questions, hath treated them with boldness and freedom. Every one, it is true, does it not ; but every one hath a right to do it ; many make use of this right, and I am the only person who is punished for it. The unfortunate Sydney thought as I do ; but then he acted also. It was for his conduct, not for his writings, that he had the honour to be brought to the scaffold. Althusius in Germany created himself many enemies ; but he never suffered a criminal prosecution. Locke, Montesquieu, the Abbe de St. Pierre, have all treated the same subjects, and often with the same freedom. Locke, in particular, hath treated them on the same principles as I have done. All three were born under Kings, have lived in peace, and died honoured by their country. You know how I have been treated in mine.

Be assured, however, that so far from blushing at being thus stigmatized, I glory in it, as it serves only to prove the motive that hath occasioned it ; which motive is only the having deserved well of my country. The behaviour of the Council towards me, indeed, afflicts me, as it breaks those connections which I
 ever

ever held dear. But can this disgrace me? No. It does me honour; it raises me to the rank of those who have suffered for liberty. My books, whatever may be done with them, will always bear testimony for themselves; and the treatment they have received, will only save those from disgrace, which may have the honour to be burnt after them.

The END of the FIRST PART.



LET.

L E T T E R S

WRITTEN FROM
THE MOUNTAINS.

PART THE SECOND.

LETTER THE SEVENTH.

YOU must have found me, Sir, somewhat diffuse ; but it was necessary to be so : the subjects I had to treat of, were not to be discussed in epigrams. Besides, these subjects did not lead me so far, as they seemed to do, from that which interests yourself. In speaking of myself, I thought of you ; and your question was so dependent on mine, that one is already resolved with the other ; nothing remaining but to draw the consequence of the argument. Where innocence is not secure, nothing can be so ; wheresoever the laws are violated with impunity, liberty no longer exists.

As

As the interest of an individual, however, may be separated from that of the publick, your ideas on this head are still uncertain; you persist in desiring my assistance to fix them. You ask what is the present situation of your Republick, and what its citizens ought to do? It is much easier to answer the first question than the last.

This question nevertheless is less perplexing in itself, than it is rendered by the contradictory solutions, which are given to it, round about you. You hear persons of very good sense say, we are the most free of any people upon earth; while others equally sensible say, we live under the yoke of the severest slavery. Do you ask me, which is in the right? Both, Sir, but in a different sense. A very simple distinction will reconcile them. Nothing is more free than your state by its constitution should be, and nothing more slavish than your state actually is.

Your laws have no authority but what depends on yourselves: you acknowledge only those of your own making; you pay no taxes but of your own imposing; you make choice of your own chiefs, who have no right to govern but according to forms prescribed by yourselves. In general Council, you are Legislators and Sovereigns, independent of any power upon earth; you ratify treaties, and determine peace or war. Your own Magistrates themselves address you as their *Magnificent, most honoured, and sovereign Lords*. Such is your liberty. Now for your slavery.

The

FROM THE MOUNTAINS. 211

The political body, charged with the execution of your laws, is the interpreter and supreme arbiter of them ; making them speak just as it pleases ; or making them silent likewise at pleasure. This body may even violate them, without your being able to help yourselves ; being itself above the laws.

The Chiefs, you make choice of, have, independent of that choice, other powers which do not depend on you, and which they extend at the expence of those who depend on them. Confined in your elections to a small number of voters, all of the same principles, and actuated with the same motives of interest, you make a great parade of an election of very little importance. It would be of great consequence to you in this affair to be able to reject every one of those, from whose number you are compelled to chuse. Amidst all the appearance of a free election, you are so restrained on every side, that you cannot chuse a first Syndic, nor a Syndic of the guard. Neither the Chief of the Republic nor the Commandant of the place are objects of your choice.

If none have a right to impose on you new taxes, you have as little right to throw off the old. The finances of the State are upon such a footing, that they are sufficient to answer all purposes of government without your concurrence. The Administration have no occasion, therefore, to make any submission to you with that view ; while all your privileges in this respect, are to be exempted in part, and to be never necessary.

The

The proceedings of the law are regularly prescribed ; but when the Council will not follow the legal method, no body can compel them, nor oblige them to repair the irregularities they may commit. Of this I am unhappily a proof, and you know that I am not the only one.

In general Council your Sovereignty is limited ; you cannot act but when your Magistrates please, nor speak but when they interrogate you. If they have no mind even to assemble the general Council, your authority, your existence, is annihilated, without your being able to oppose any thing but fruitless murmurings, which they are in a condition to despise.

In short, though you are sovereign Lords when assembled, you are afterwards nothing. Subordinate Sovereigns four hours a year, you are subjects the rest of your lives, and given up, without reserve, to the discretion of others.

It hath happened to you, Gentlemen, as it hath happened to all Governments like yours. The legislative and executive powers, which constitute the Sovereignty, were not at first distinct. The people, being sovereign, had a will of their own, and by their own act executed that will. But the inconvenience of the general concurrence of all to every thing, presently obliged the people to make choice of particular members to execute their will. These officers, after having fulfilled their commission, gave up their account, and re-assumed their former equality. By degrees
these

these commissions became frequent, and at length permanent. Thus a body was insensibly formed, whose action was constant. A body whose action is permanent and constant, cannot give an account of each single act: it accounts only for the principal; and presently arrives at such a pitch, as to account for none at all. The more active the executive power is, the more it enervates the legislative power. The will of yesterday is supposed to be that of to-day; but the act of yesterday does by no means dispense with that of to-day. In fine, the inaction of the power that designs, subjects it to the power which executes; the latter rendering its actions by degrees independent, and presently its will: thus instead of acting for the legislative power, it acts for itself. After this there remains in the state only one acting power, which is the executive. Now the executive power is nothing but force; and where force only prevails the State is dissolved. This, Sir, is at length the final dissolution of all democratical States.

Cast an eye over the annals of yours, from the time in which your Syndics, then only simple attorneys, established by the community to execute any particular affair, submitively gave an account of their Commission, and became directly mere individuals again; to the time when these very Syndics, disdaining the prerogatives of Chiefs and Judges, which they enjoyed by virtue of their election, preferred the arbitrary power of a body, the members of which are not chosen by the commu-

community, but which sets itself above that community in defiance of the laws. Trace the progress of the circumstances that separated those two terms, and you will find at what point you now are, and by what degrees you are arrived at it.

A clear-sighted politician might have foretold above two centuries ago what hath happened to you. He might have then said, the institution you are forming is good for the present, but bad for the future. It is proper for the first establishment of publick liberty, but improper for its preservation; as that which at present constitutes your security, will in a little time afford substance for forging your chains. Those three bodies, which are so intimately connected together that the activity of the greatest depends even on the least, will remain in equilibrium so long as the action of the greatest is necessary, and the legislation cannot dispense with the legislator. But when once the establishment is made, if the body which hath formed it want the power to maintain it, it must necessarily fall to ruin; so that your very laws will be the cause of your destruction.

This is precisely what hath really happened to you. It is, excepting the disproportion, the fall of the Polish Government, by a contrary excess. The constitution of the Republick of Poland is proper only for a Government that hath nothing to do. Yours is, on the contrary, proper only so long as the legislative body continues to act.

Your

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Your magistrates have incessantly endeavoured to refer the supreme power of the Council general to the petty Council, by the grandation of the Two-hundred. But their efforts have had different effects according to the manner in which they have been exerted. Almost all their publick enterprizes of this kind have failed ; because in such cases they have always met with resistance, and because, in such a State as yours, the publick resistance of is always sure of carrying its point, when it is supported by the laws.

The reason of this is evident. In every State, it is either the law which commands or the Sovereign. Now in a Democracy where the people are sovereign, whenever intestine divisions have suspended all forms and silenced all authorities, that of the people alone remains ; and wherever there is the majority there reside both law and authority.

If the citizens and inhabitants united are not the Sovereign, the Councils without them are still much less so ; as the latter make but the smaller number in point of quantity. When the supreme authority itself is called in question, every thing at Geneva is restored to its primitive equality, according to the terms of the Edict ; which says, that *every one shall be content with the degree of citizen and burgher, without desiring to promote himself, or to assume to himself any authority or command over others.* Out of the Council-general there is no other Sovereign than the law ; but when the law itself is attacked by its ministers, ^{it} belongs

belongs to the Legislature to support it. Hence it is, that wherever real liberty exists, the people have almost always the advantage in any distinguished enterprize.

But it is not by such enterprizes that your Magistrates have brought things to the point at which they are now arrived. It hath been by means more slow and sure, by moderate and repeated efforts, by alterations almost insensible; of which you could not foresee the consequence, and which, indeed, you could hardly perceive. It is impossible for a people to be incessantly on their guard against every thing that may be attempted; while even their vigilance is made a subject of reproach to them. They are accused of being restless and turbulent, and of being always alarmed about nothing. But of these nothings, about which the publick are so silent, the Council knows how, in time, to make something. Of this, what is now actually passing before your eyes, is a sufficient proof.

The whole authority of the Republick resides in the Syndics, which are elected in the general Council. They there take the oath, because it is before their superior; and they take it in this Council only, because it is to this alone it is responsible for its conduct, and for its fidelity in the due discharge of the oath they take. They swear to do justice faithfully and uprightly. They are the only Magistrates who thus swear in this Assembly; because they are the only Magistrates on whom that right is conferred by the Sovereign,

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reign*, and who exercise it under its authority.

In the publick trial of criminals, they swear also in the presence of the people, by rising up†, and raising their wands, *that they have passed an upright sentence, without favour or affection; calling upon God to punish them if they have done the contrary.* And formerly the sentence in criminal causes was passed and executed only in the name of the people, without mention being made of any other Council than that of the Citizens; as may be seen by the sentence of Morrelli above transcribed; and by that of Valentine Gentil, mentioned in the *Opuscula* of Calvin.

Now, you must plainly perceive, that this exclusive power, received thus immediately from the people, greatly restrains the pretensions of the Council. It is natural for it, therefore, in order to shake off such dependence, to endeavour, by degrees, to weaken the authority of the Syndics,

* It is not conferred on their Lieutenant but by deputation; for which reason he takes no oath in the general Council. *But, the Author of the Letters asks, if the oath taken by the members of the Council is less obligatory? or if the execution of engagements made with the Deity itself, depends on the place in which they are contracted?* No, certainly; but does it thence follow, that it is a matter of indifference in what place, and by whose hands the oath is presented? and does not the choice of these determine either by what authority it is imposed, or to whom an account is to be rendered of its being duly observed? With what kind of politicians have we to do, that they must be put in mind of circumstances so obvious? Are they really ignorant of them, or do they only pretend it?

† The Council is present also, but its members do not swear, but remain seated.

to invest the Council with the jurisdiction they have received, and insensibly to transmit to this permanent body, whose members are not elected by the people, the great but transitory power of the Magistrates, which they do elect. The Syndics themselves also, so far from opposing this change, will naturally be led to favour it; because they are Syndics only every four years, and even may not happen to be so at all; whereas, whatever happen, they are members of the Council for life, the *Grabeau* being only a matter of mere form*.

* According to the first institution, the four Syndics newly elected and the four ancient Syndics, rejected annually eight members of the remaining sixteen of the petty Council, and proposed eight new ones, which were referred to the suffrages of the Two hundred, in order to be admitted or rejected. By insensible degrees, however, none of the old Council were rejected but such as had given occasion for censure; and when they had committed any great fault, their punishment was not remitted to the time of election, but they were immediately thrown into prison, and prosecuted like the meanest individual. By this method of anticipating their punishment and rendering it severe, the remaining members, being irreproachable, afforded no cause of exclusion; and this changed the custom into that vain and ceremonious formality which now goes by the appellation of *Grabeau*. An admirable effect this of free governments, by which even usurpations themselves cannot be established but on the basis of virtue!

Add to this, that the reciprocal privileges of both Councils will alone prevent either from making use of them, except in concert with each other, for fear of reprisals. The *Grabeau*, therefore, properly speaking, serves only to keep them united against the citizens.

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This point being gained, the election of Syndics would become, in like manner, a ceremony as idle as that of holding General Councils: and the petty Council would behold very peaceably the exclusions or preferences which the people might give to its members for the Syndicate; when all that would in fact determine nothing.

In order to arrive at this end, however, an important step must at first be taken, of which the people are ignorant. This is, the disposing of the interior police of the Council; which, however regulated by the edicts, may be modeled as its members think proper*; there being no other power in the State to hinder it: for as to the Attorney-general, he is to be looked upon in this case as nothing†. But this is not quite enough; the people must be even accustomed to this transfer of jurisdiction. To this purpose, tribunals, composed solely of Counsellors, must not be erected at first, to judge of important objects; but to determine matters less remarkable, and little interesting. At these tribunals commonly presides a Syndic, in whose place is sub-

* Thus in the year 1665, the petty Council, and the Two hundred established in their corps the ballot and billets, contrary to the edict.

† The Attorney-general, instituted to be on the side of the law, is only on the side of the Council. Two causes almost always operate to the discharge of this function, contrary to the spirit of its institution. One is a fault in the institution itself, which entitles that officer to rise to the Council; whereas an Attorney-general ought never to have anything in view above his present place, nor be permitted by the law to aspire to any other. The second cause is the imprudence of the people, who confer that office on persons too intimately connected by family interest, or other-

stituted sometimes an ancient Syndic, then a Counsellor, without any body's taking notice of it. This piece of management is repeated, till it becomes a custom, and then made use of in criminal cases. On occasions of greater importance, a Court is formed for the trial of citizens. At this tribunal presides a Counsellor, under favour of the law of exceptions. The people's eyes are opened, and they complain; on which they are asked, where is the cause of their complaint? The precedents are numerous; this is no innovation.

Such, Sir, are the politicks of your Magistrates. They introduce their innovations by slow degrees, without any body's foreseeing the consequence; and when they are at length perceived, and the people are desirous to remedy them, they themselves cry out against innovations.

But without departing from this example, let us hear what they have said on this occasion. They pleaded the law of exceptions: It was answered, "That the fundamental law of the State required the citizens to be judged only by the Syndics. In the concurrence of the two laws, the latter should certainly exclude the for-

wise, with the members of the Council; without considering that they thus fail not to employ against themselves the arms destined to their defence.

I have heard some Genevans distinguish between being on the side of the people and being on the side of the law, as if they were not one and the same thing. The Attornies-general ought, during their six years, to be the chiefs of the citizens, and after that to become their Counsellors. But are they not at present well protected and counselled? Ought we not to congratulate them on the peculiar felicity of their choice?

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mer; or, if we should stand upon the observation of both, a Syndic ought to be elected *ad actum*." At this word all was undone! "A Syndic *ad actum*! What an innovation!" For my part, however, I see no such novelty in it as they pretend. If they object to the word, it is made use of annually in our elections: if to the thing, it is still less new; the very first Syndics the city ever had, were Syndics *ad actum*. When the Attorney-general himself is exceptionable, and is challenged, is not another made *ad actum*, to execute his functions? And what are the Adjuncts, taken from the Two-hundred to assist at the Tribunals, but Counsellors *ad actum*? When a new abuse is introduced, it is no innovation to propose a new remedy for it. On the contrary, it is endeavouring to establish things on their ancient footing. But these Gentlemen do not like that we should thus rake into the antiquities of their city. It is only in those of Rome and Carthage that they are willing you should seek an explication of their laws.

I shall not undertake to draw a parallel between their enterprizes which have succeeded, and those which have failed. Supposing their number equal, there hath been no proportion between the sum total of their effects. By every successful enterprize they have gained strength; and by every one that failed they have lost only time: whereas you, who seek only, and ought to seek only, to preserve your constitution, when you lose, your loss is real, and when you gain, you gain nothing. In running a career of this kind, how is it possible you can remain at the same point of distance?

Of all the æras which the instructive history of your Government presents to contemplation, the most remarkable in its cause, and most important in its effect, is that which produced the Mediation. What first gave rise to the destination of that æra, was an indiscreet and untimely enterprize of your Magistrates. Before they had sufficiently grounded their own power, they wanted to usurp the right of imposing taxes. Instead of reserving this for the last stroke, their avidity induced them to anticipate it, and that just after a commotion, which was not entirely appeased. This error led them into others much greater, and more difficult to repair. It is amazing how such subtle politicians came to be ignorant of a maxim, so simple as that to which they ran retrograde on this occasion. The people of every country never think you attack their liberty so violently as when you attack their purse; which is never done by artful usurpers till they have carried every other point first. They wanted to reverse that order, and found themselves mistaken *. The consequences of this affair produced the emotions in 1734, and the horrid conspiracy which was the consequence.

* The object of the taxes imposed in 1716, was the expence of the new fortifications. The plan of them was immense, and it has been in part executed. Such extensive fortifications rendered a numerous garrison necessary, and the design of this numerous garrison was to keep the citizens and burghers in subjection.

So that the magistrates intended to put the citizens to the expence of the chains they were forging for them. The project was well formed, but as it proceeded in a retrograde order, it did not succeed.

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This was a second fault, worse than the first. All the advantages of time were in their favour; these they deprived themselves of, by the precipitancy of their designs, and put the machine in a state to rise up again to its origin at once. This is what must have happened in that affair. The events which preceded the Mediation, occasioned them to lose a whole century, and produced another effect unfavourable for them. This was, the informing all Europe, that the citizens, whose privileges they wanted to destroy, and whom they described as a licentious populace, were capable of preserving, amidst their advantages, that moderation, which they themselves were incapable of in the midst of theirs.

I will not say, that the recourse had to the Mediation, ought to be accounted as a third fault. The Mediation was, or appeared at least to be, offered them. Whether this offer was voluntary, or solicited, is what I neither can, nor am desirous of coming to the knowledge of: I only know, that every body was silent when you ran the greatest danger, and that this silence was not broken till the danger was on the other side. Add to this, that I should be so much the more loth to impute to your magistrates the having implored the Mediation, as it is in their eyes one of the greatest crimes even to mention it.

A certain citizen, complaining once of an illegal, unjust, and dishonourable imprisonment, desired to know in what manner he might have recourse to the Guaranty. The magistrate to whom this message was addressed, was daring enough to reply, that the proposition alone was deserving of death. Now in the presence of the

Sovereign the crime was as great, and perhaps greater, in the Council, than in a simple individual; and I do not see how a person could be worthy of death for a second recourse, rendered lawful by the Guaranty, which was the effect of the first.

One thing more: I do not undertake to discuss a question so delicate to treat, and so difficult to resolve. I undertake merely to examine, with regard to the object before us, the state of your government, formerly adjusted by the regulation of the plenipotentiaries, but at present changed by the new enterprizes of your magistrates. I am obliged to take a wide circuit in order to come to the point; but if you will take the trouble to follow me, we shall soon find whereabouts we are.

I have not the temerity to think of criticizing this regulation; on the contrary, I admire its wisdom and respect its impartiality. I think I can discover in it the most upright intentions, and the most judicious dispositions. When we reflect how much circumstances were against you in that critical moment, what prejudices you had to conquer, what credit to surmount, what falsehoods to invalidate; when we recollect with what confidence your adversaries reckoned upon being able to crush you by the assistance of others; we cannot fail of doing honour to the zeal, constancy, and abilities of your defenders; to the equity of the mediating powers; and the integrity of the plenipotentiaries who completed that peaceful work.

Whatever may be said of it, the Edict of the Mediation was the salvation of the Republic; and

and so long as it is not infringed it will be its preservation. If that good work was not in itself perfect, it was relatively so: it was with regard to time, place, and circumstances the best that could be for us. You ought to hold it, therefore, sacred and inviolable, in point of prudence, if not in point of necessity; and you ought not to blot out a line of it, even if it were in your power to annihilate it. Besides, the very reason for its being at all necessary, renders it all, and altogether so. As all its articles form an equilibrium, the alteration of a single article destroys the whole. The more useful this regulation is, the more hurtful would it be, if mutilated. Nothing could be more dangerous than many articles taken separately and detached from the body of the whole. It is an edifice which had absolutely better be levelled with the ground than shaken. Take away a single stone from the arch, and you will soon be buried under its ruins.

Nothing is more easy than to discover, on examination, the articles which the Council would avail themselves of, and those they want to elude. You will not forget, Sir, the disposition in which I undertake this examination. So far from advising you to touch upon the Edict of the Mediation, I would endeavour to shew how important it is for you not to meddle with it. If I seem to criticize on some articles, it is only to shew you of what consequence it will be to take away those which rectify them. If I appear to propose expedients which do not relate to them, it is only to shew the insincerity of those, who find unsurmountable difficulties,

where nothing is more easy than to remove those difficulties. After this explanation, I enter upon the subject without scruple; being well persuaded, that I write to a person too equitable to impute to me a design, contrary to my real intention.

I am sensible, that if I addressed myself to strangers, it would be necessary, in order to make myself understood, to begin by drawing a picture of your constitution; but a sufficient sketch of this picture is traced out for them by M. d'Alembert, in his article entitled Geneva, in the Encyclopedia; and a more particular description would be superfluous for you, who are better acquainted with our laws and politicks than I am myself; or who have at least had an opportunity of a nearer view of their operations. I confine myself, therefore, to a review of those articles of the regulation, which relate to the present questions, and which may best furnish us with a solution to it.

I see your government at first composed of five subordinate but independent orders; that is to say, necessarily existing, none of which could infringe the rights and privileges of the other; and in these five orders, I see the general Council comprehended. In each of these five I discover a particular portion of government; but in neither do I see the constitutive power which establishes and connects them, and on which they all depend. I do not there see the Sovereign. Now in every state a supreme power is necessary, a centre to which every part relates, a principle from which all is derived, a Sovereign which can do every thing.

Imagine,

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Imagine, Sir, that any one giving you an account of the constitution of England should deliver himself in the following words: "The Government of Great Britain is composed of four orders, neither of which can infringe the rights and privileges of any other, viz. the King, the Upper-house, the Lower-house, and the Parliament." Would you not immediately tell him that he was mistaken, and that there were but three orders. The Parliament, which, when the King is present, comprehends all the orders, is not a fourth; it is the whole. It is the sole and supreme power, from which each deduces its existence and privileges. Being invested with the legislative authority, it is capable of changing even the fundamental law, by virtue of which each of those orders exists. It is capable, do I say? it has before now actually done it.

This answer is just, and the application of it evident; and yet there is still this difference, that the Parliament of England is sovereign only by virtue of the law, and then only by proxy and deputation: whereas the Council-general of Geneva is neither constituted nor deputed by any body. It is sovereign in its own personal right. It is the living and fundamental law, which gives life and strength to the whole, and knows no other rights and privileges than its own. The Council-general is not any particular order of the state: it is the state itself.

The second article imports, that the Syndics cannot be otherwise chosen than in the Council of Twenty-five. Now the Syndics are the annual magistrates, which the people elect and

chuse, not only to be their judges, but to be their protectors, in case of need, against the perpetual Members of the Councils, which they do not chuse*.

The effect of this restriction depends upon the difference there is between the authority of the Members of the Council and that of the Syndics. For if the difference be not very great, and a Syndic sets no greater value on his annual authority as Syndic than on his perpetual authority as Counsellor, such election will be a matter of indifference to him: he will do little to obtain it, and less to justify it. When all the Members of the Council are animated by the same spirit, and pursue the same maxims; the people, being unable to exclude any when the conduct of all is alike, or to chuse any but Syndics already Counsellors, will be so far from securing themselves, by such election, defenders against the encroachments of the Council, that

* In attributing the nomination of the members of the petty Council to the Two-hundred, nothing was more easy than to settle it according to the fundamental law. It had been sufficient to have added, that no person could be of the Council without having been first an Auditor. By this method the gradation of charges would have been better observed, and the three Councils had concurred to the choice of that which is the first mover: a circumstance not only important, but indispensable to the support of the unity of the constitution. The Genevans may not perceive the advantage of this clause, because the choice of Auditors is at present of little effect; but they would have judged differently of this matter, had the office of Auditor opened the only door of entrance into the Council.

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they will only invest the Council with new powers of oppression.

Although this choice took place in the origin of our institution, so long as it was free it had not the same consequences. When the people themselves nominated the Counsellors, or when they nominated them directly by the Syndics, which they had first nominated, it was indifferent, and even advantageous for them, to chuse their Syndics from among the Counsellors which they had already chosen*; and it was then prudent to prefer such Chiefs as were already versed in business: But a more important consideration ought at this time of day to prevail over this. So true it is, that one and the same custom may be productive of different effects, by the change of other customs which relate to them; and that it would be an innovation in such a case not to make some innovation.

* The petty Council, in its origin, was nothing more than a choice made among the people, by the Syndics, of certain ingenious or prudent persons to serve them as Assistants. Each Syndic made choice of four or five, whose office ended with his own; and often he even changed his Assistants during the course of his Syndicate. L'Espagne was the first Counsellor for life in 1487, and he was appointed by the Council-general. It was not even necessary to be a citizen in order to discharge this office. The law respecting it was made on account of one Michael Guillet de Thonon, who, having been admitted into the privy Council, was banished thence for having made use of a number of foreign artifices which he brought from Rome, where he had been educated. The magistrates of the city, then true Genevans and fathers of the people, held all such subtilties in abhorrence.

Article the third of this regulation is the most considerable. It treats of the Council-general lawfully assembled; it treats of it in order to fix the rights and prerogatives which are peculiar to it, and gives it several which the inferior Councils have usurped. These prerogatives are, on the whole, very fine, without doubt; but in the first place they are particularly specified, and by that alone limited; that which is mentioned of course excluding that which is not mentioned; nay, the very word *limited* is inserted in the very article. Now it is essential to the very being of a sovereign power to be unlimited. It is either capable of every thing, or it is nothing. As it eminently contains all the active powers of the state, to which it gives existence, it can acknowledge no other prerogatives than its own, and those it communicates. Otherwise the possessors of these prerogatives would make no part of the body politick: they must be foreigners by those prerogatives which do not belong to it, and the moral person, wanting unity, would at once disappear.

This limitation is even positive with regard to taxes; the Council-general itself not having a right to abolish those which were established before the year 1714. In this respect, therefore, we find it subjected to some superior power. What is that power?

The Legislative Power consists in two things that are inseparable; to make laws, and maintain them; that is to say, to have an inspection over the executive power. There is no state in the world, in which the Sovereign hath not this inspection. Without this, all connection, all
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subordination between these two powers failing, the last would not depend on the first, and the execution would have no necessary relation to the laws; the *Law* would be only a word of no meaning. The Council-general had always this right of protecting its own work; it hath always exercised it: Nothing is said of it, however, in this article; and if this silence be not supplied by some other, your State is, by that silence alone, totally subverted. This point is important; and I shall return to it hereafter.

If your privileges are on one side confined by this article, they are extended by it on the other, in the third and fourth paragraphs: But is that sufficient compensation? From the principles laid down in the Social Compact, it is made evident, that, notwithstanding the common opinion to the contrary, the alliances between different states, declarations of war, and treaties of peace, are not acts of Sovereignty, but only of Government; and this opinion is conformable to the custom of those nations, who have best understood the true principles of politick law.

The exterior exercise of power is not adapted to the people; the great maxims of state being above their comprehension. On this subject, therefore, they ought to rely on their Chiefs, who, being better instructed with regard to these matters, have no interest in making treaties with foreign powers disadvantageous to their country. Good order requires, that all external splendor should be left to their Chiefs; and that they should attach themselves only to what is domestick and solid. That which is most essential

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to every citizen is the observance of the laws at home, and the security of his person and property. So long as all goes right with regard to these, the Councils may be safely left to negotiate foreign affairs unmolested. It is not from this quarter the greatest dangers are to be apprehended. It is about the individuals that the privileges of a people ought to be gathered; for when they can be attacked separately, they are always subjected. I might here instance the wisdom of the Romans; who, investing the Senate with the greatest authority respecting foreign affairs, obliged it at home to pay respect to the meanest citizen. But we need not go so far for examples. The citizens of Neuschâtel have conducted themselves more prudently under their Princes, than you under your Magistrates *. They neither make peace nor war; they ratify no treaties; but they enjoy their privileges in security; and, as the law hath not presumed that in a small city a small number of honest citizens should become ruffians, they are strangers to the odious custom of imprisonment, without previous trial. With you, at Geneva, you are always seduced by appearances, and neglect what is essential. You are too much engaged with the Council-general, and not enough with its particular members: it were proper to think less of authority and more of liberty. But to return to the Councils-general.

Besides the limitations of article III, the articles v and vi present another very singular

* This may be said exclusive of flagrant abuses, which it is certain I am far from approving.

and strange: A sovereign Body, which can neither form itself, nor execute any operation of itself, but is absolutely subjected, as well with regard to its activity as to the matters it treats, to subordinate tribunals. As these tribunals certainly will not approve of such propositions as are particularly prejudicial to themselves, if the interest of the State should ever be found in opposition to their own, the last will, of course, have the preference, because it is not permitted the Legislator to know any thing but what they approve.

By endeavouring to subject every thing to rule, the first of rules was subverted; which is justice and the publick good.

When will mankind be convinced that there is no disorder so fatal as arbitrary power; by which they seek a remedy? This power is the worst of all disorders; while to make use of such means to prevent them, is just the same as if one should cut a man's throat to prevent his having the fever.

If a large company were to form tumultuously they may do a great deal of mischief. In like manner in a numerous assembly, however regular, if every one were to say and propose what came into his head, much time would be lost in listening to absurdities, and some danger might be run of acting absurdly. These are incontestible truths; but would it be a reasonable method of preventing these abuses, to make such an assembly depend solely on those who would annihilate it? Or to prevent any one's making a proposal in it, but those who were interested in its destruction? Now, Sir, is not this exactly
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the state of the case; and is there one man in all Geneva who can doubt that, if the existence of the General Council depended entirely on the Petty Council, the General Council would be totally suppressed.

Yet this is the body which alone convokes those assemblies, and which alone proposes in them what it thinks proper: for, as to the Two-hundred, they only repeat the orders of the petty Council; and when this shall be delivered from the incumbrance of the general Council, it will suffer no embarrassment from the Two-hundred; these will only follow after it, the road, which they have beaten after you.

Now what hath any one to fear from a troublesome superior, of whom one stands in no need; who appears only when one permits him, nor speaks but when he is spoken to? When he is reduced to such a situation, may not one look upon one's self as fairly quit of him?

If it be said, that the law of the State hath prevented the abolition of general Councils, in rendering them necessary to the election of Magistrates, and giving sanction to new edicts? I answer as to the first point, that all the force of Government being transferred from the hands of the Magistrates chosen by the people, to those of the petty Council, which they do not chuse; and from among which the principal Magistrates are chosen, the election, and the assembly in which it is made, are no more than an idle and inconsistent formality; and that general Councils, held only for this purpose, may be justly accounted null and void. I answer farther, that, from the turn which things now take,

take, it is very easy even to elude this law, without any interruption of business: for, let us suppose that by the rejection of all the persons offered, or under other pretexts, an election of Syndics cannot be made, would not the Council, into whose hands their jurisdiction insensibly falls, exercise it in default of the Syndics, as they now are independent of them? May one not venture to say already, that the petty Council, without the Syndics, constitute the Government? Would the State be less governed, therefore, without the Syndics? And as to new edicts; I answer, that they will never be so necessary, but that by the assistance of the Elders, and their usurpations, the same Council would find means to do without them. Those who set themselves above the old laws, may well dispense with the necessity of making new ones.

Every measure is taken to prevent your general Assemblies from being ever necessary. The periodical Council instituted, or rather re-established, in 1707*, was not only held but once,

* These periodical Councils are as old as the legislation, as may be seen by the last article of the Ecclesiastical Ordinances. In those of 1576, printed in 1735, these Councils are fixed for every five years; but in those of 1561, printed in 1562, they were fixed for every third year. It is hardly reasonable to pretend that these Councils were assembled only for the reading of these Ordinances, as the printing of them put it in every one's power to peruse them at his ease and leisure, without there being any necessity on that account to convoke a general Council. Unhappily, indeed, great pains have been taken to efface many ancient traditions, which would now be of great utility in explaining our edicts.

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and that only to be abolished ; but by the fifth paragraph of the third article of the regulation, it hath been provided for without you, and that for ever, at the charge of the administration. There is only one case, and this is the chimerical one of an indispensable war, in which the Council-general ought absolutely to be convoked.

The petty Council, therefore, may actually suppress the general Councils, without suffering any other inconvenience than that of drawing upon itself a few remonstrances ; which it hath sufficient power to evade ; or of exciting some fruitless murmurs, which it may without danger despise ; for, by the articles VII, XXIII, XXIV, XXV, and XLIII, all kind of resistance is forbidden in any case whatever ; and the external resources which may be applied to, neither make a part of the constitution, nor correct its defects.

It is true, the petty Council does not always exert this power, because it is in reality a matter of indifference to them, and an appearance of freedom makes real slavery more patiently endured. On the contrary, it continues to amuse you at an easy rate, by elections of no manner of consequence, with regard to the power they confer, and the subjects made choice of, as well as with regard to the laws which appear important ; but which it renders futile, by observing them just as much and as little as it pleases.

Add to this, that nothing can be proposed, discussed, and deliberated in these assemblies ; the petty Council presiding there, either by itself, or by its Syndics ; and exerting the whole spirit

spirit of its particular body. It is thus at once both the magistrate and master of the Sovereignty. But is it not contrary to all sense and reason, that the executive body should regulate the police of the legislative; that it should prescribe the subjects of the latter's deliberation; that it should prohibit its privileges of thinking and judging for itself; and that it should exercise an absolute power even with regard to the very acts made to lay it under proper restraint.

I grant that so numerous a body stands in need of some regulation and order; but this regulation and order ought not to subvert the very end of its institution *. And is it more diffi-

* The Assemblies of the Councils-general were formerly very frequent at Geneva; and every matter of importance to the state was laid before them. In the year 1707 the Syndic Chouet advanced, in a famous harangue, that such frequency was a misfortune to the state. We shall see presently what we ought to think of it. He insisted much, also, on the excessive augmentation of the members, which rendered their frequent meetings at present impossible; affirming, that formerly the assembly did not exceed two or three hundred, whereas at present it amounts to thirteen or fourteen hundred. There is an exaggeration on both sides.

The most ancient of our Councils-general consisted at least of five or six hundred members; perhaps it would be difficult to point out one which had no more than two or three hundred. In 1420, the number of covenanters were seven hundred and twenty; and soon after above two hundred inhabitants more were admitted.

Now, though the city of Geneva is become more opulent, and hath more commerce, it hath not become more populous; its fortifications not permitting a greater extent of its walls; while they have effectually destroyed

cult now to establish order, without slavery, among a few hundred men, naturally grave and phlegmatick, than it was formerly in Athens, of which we have been speaking, in an assembly of many thousands of hot-headed citizens; or than it was to do it in the metropolis of the world, where the very body of the people were possessed, in a great measure, of the executive power; or than it is even now in the great Council at Venice, full as numerous as your Council-general? Complaints have been made of the irregularity that prevails in the Parliament of England; and yet in this large assembly, composed of above seven hundred members; in which such important affairs are managed, so many contrary interests clash, and so many cabals are formed; in which each member hath a

destroyed its suburbs. Besides, as it hath hardly any territory, and lies at the mercy of its neighbours for subsistence, it could not have grown greater without growing weaker. In 1404, there were reckoned thirteen hundred houses, containing at least thirteen thousand souls. At present there are no more than twenty thousand; a proportion very far from that of three to fourteen. Now from this number must be deducted that of the natives, inhabitants and foreigners, who do not enter into the composition of the Council-general: a number greatly increased in proportion to that of the citizens, since the expatriation of French refugees and the progress of industry. Some general Councils of our times have amounted to fourteen, and even to fifteen hundred; but in common they do not come near that number. Nay, if they ever rise to thirteen hundred, it is only on those critical occasions, in which every good citizen would think himself deficient in his duty, if he were absent; and in which the magistrates, on their part, muster up all their partizans from without, to support their measures:

right to speak, the business of the nation is regularly and expeditiously transacted. Among you, nevertheless, whose interests are so simple, and whose affairs are so little complicated, that they seem, in the comparison, no more than those of a private family, a trifling bustle puts all into a fright, as if the whole government was going to be subverted. The police of your general Council, Sir, is one of the most easy things in the world. Let it be established only with a real view to the publick good, and every member of it will remain free, and business will be transacted in it with greater tranquillity than at present.

Let us suppose that, in the regulation of this Assembly, the very contrary method was followed to what is pursued at present; that, instead of

measures: now such measures being unknown till the fifteenth century, they required no such expedients: the number in common is between eight and nine hundred: sometimes it is even less than that of the year 1420, particularly when the Assembly is held in summer, and the objects of its deliberation are unimportant. In 1754 I was myself present at a general Council, in which there were by no means seven hundred members.

From these several considerations, duly weighed, it will follow, that the Council-general is no more numerous than it hath been for two or three centuries past, or at least that the difference is very inconsiderable. Yet in early times every body had the liberty of speaking there; nor were the regularity and decorum, now subsisting in it, at that time established. They were sometimes a little noisy and tumultuous; but the people were free, the magistrates were respected, and the Council assembled often. The Syndic Chouet, therefore, advanced a falsehood, and reasoned as falsely on what he advanced.

ascr-

ascertaining the privileges of the general Council, those of the other Councils were to be determined first. For by knowing the latter, the former may be known also; in which case it must be owned, that the petty Council alone would be found possessed of strange powers and prerogatives for a free, democratical state; and these vested in Chiefs whom the people do not make choice of, and who remain in office all their lives.

In the first place there is the union of two things, every where else incompatible, viz. the administration of state affairs, and the executive part of justice, on the properties, lives, and reputations of the citizens.

An order the lowest of all in its rank, and the highest in power.

An inferior Council, which is nevertheless the life and soul of the Republick: which alone is capable of making any proposal; which is the first to decide, and whose sole voice, even in its own cause, permits not its superiors to have any voice at all.

A political Body, which acknowledges the authority of another, and which alone has the nomination of the members of that body to which it is subordinate.

A supreme Tribunal, from which one may appeal; or rather, on the contrary, an inferior judge, who presides at tribunals superior to his own: who, after sitting as an inferior judge in the tribunal from which the appeal is made, not only goes to sit as supreme judge in the tribunal appealed to, but hath no other colleagues in that supreme tribunal than such as he himself chuses.

An

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An order, in fine, which alone hath its principle of action within itself; which gives that principle to all the rest; and which, supporting the resolutions it hath taken amidst them all, determines twice and votes three times*.

The appeal from the petty Council to that of the Two-hundred, is really child's play; as mere a political farce as ever was carried on in the world. Thus this appeal is not properly called an appeal; it is a favour desired of justice; a recourse in arrest of judgment; in short, it is not easy to say what it is. Is it to be supposed that, if the petty Council were not very sensible that this last recourse could be of no effect, it would voluntarily suffer itself to be stripped of it, as it does? This disinterestedness is not one of its maxims.

If the decisions of the petty Council are not always confirmed by the Two-hundred, it is otherwise only in the particular and contradictory affairs of individuals; in which it is of no consequence to the magistracy which of the parties gain or lose the cause. But in all publick affairs,

* In a republican state there ought to be a language set apart for the purposes of government. Thus, for example, to *deliberate*, to *determine*, to *vote*, are three things very different, and yet not sufficiently distinguished. To *deliberate*, is to weigh the arguments for and against a thing. To *determine*, is to give one's opinion and assign the motives for it. To *vote*, is to give one's suffrage; when nothing more remains than to collect the voices. At first setting out, the matter is under deliberation; the next step is to determine, and the last to vote. Legal tribunals have almost every where the same forms; but as in monarchies the publick have no need to learn the terms, they remain consecrated to the bar.

in all those wherein the Council itself is interested, is the injustice it commits ever repaired by the Two-hundred? Doth the latter ever protect the oppressed, or refuse to confirm every thing that is done by the Council? Can a single instance be brought, in which it hath honourably made use of its prerogative, to favour the appellant. It is with regret I recall to mind a terrible instance of its inexorability. A certain citizen, whom the Council had sacrificed to its vengeance, had recourse to the Two-hundred; this unfortunate person stooped so low as to sue for favour: his innocence was notorious; all order of law had been violated in the prosecution carried on against him: yet all favour was refused him, and the innocent perished. Fatio was so sensible of the inutility of having recourse to the Two-hundred, that he did not deign to make any such application.

I am very sensible what the assembly of the Two-hundred is at Zurich, Berne, Fribourg, and in other aristocratical states; but I cannot see of what use it is in your constitution, nor what rank it holds there. Is it a superior tribunal? If it be, it is absurd for the inferior tribunal to sit in it. Is it a body representative of the sovereign? If it be, the constituents have a right to chuse their representatives. The establishment of the Two-hundred could have no other end than to moderate the enormous power of the petty Council; whereas, on the contrary, it only gives a new and additional weight to this same power. Now every political body, which constantly acts against the spirit of its institution, must be badly instituted.

But

But what signifies expatiating on circumstances so notorious that no Genevan is ignorant of them? the Council of the Two-hundred is in itself nothing; it is no more than the petty Council appearing under another form. It attempted, indeed, once to shake off the yoke of its masters, and to assume an independent existence; by which effort alone the State had like to have been subverted. It is to the Council-general only that the Two-hundred owe even the appearance of authority. This was seen very evidently at the time I am speaking of, and will be seen better hereafter, if the petty Council should carry the point it hath in view. For while the Two-hundred join the latter in their endeavours to suppress the general Council, they labour to effect their own ruin; and, if they think to follow the example of the Two-hundred of Berne, they are grossly mistaken: but there hath been almost always observable in this body, a very small share of understanding and a less degree of fortitude; nor can it be otherwise, from the manner in which it is composed*.

* I mean in general, and with regard to the spirit of the body; for I know that there are some very sensible and patriotic members among them; but being constantly under the eye of the petty Council, lying at its mercy without relief, and sensible they would be abandoned by the rest of their body, they abstain from making fruitless efforts, which would only serve to ruin them. The vile majority make a noise and triumph. The prudent man is silent, and utters his sighs in secret.

Not that the Two-hundred were a'ways held in such discredit as they are now fallen into. They were formerly entitled to the public esteem; and to the confidence of the citizens. Hence they were permitted

You see, Sir, that instead of ascertaining the prerogatives of the sovereign Council, it would be much more useful to ascertain the rights and privileges of those bodies which are subordinate; and without going any farther, you see still more plainly, that, by virtue of certain articles separately taken, the petty Council is the supreme dispenser of the laws; and by them of the lives and fortunes of individuals. When we reflect on the rights and privileges of the citizens and burghers, assembled in the general Council, nothing can be more captivating. But when we consider the same citizens as individuals apart, what do we see them become? The slaves of an arbitrary power, lying defenceless at the mercy of five-and-twenty tyrants. The Athenians had at least thirty. What do I mean by five-and-twenty? Nine are sufficient to determine a civil cause, and thirteen a criminal one. If seven or eight of this number are agreed, they are to you as bad as so many Decemvirs. But even the Decemvirs were chosen by the people, whereas none of your judges are objects of your choice: and yet you call yourselves free!

quietly to exercise the prerogatives of the Council-general, which the petty Council afterwards secured by indirect means to itself. A new proof of what will be hereafter advanced, viz. that the citizens of Geneva are far from being turbulent, or eager to intermeddle in affairs of state.

LETTER

LETTER THE EIGHTH.

I HAVE deduced, Sir, my examination of your present government from the regulations of the Mediation ; by which that government is fixed. But I am so far from imputing to the Mediators any design to reduce you to a state of slavery, that I could easily prove, to the contrary, that they have rendered your situation better in many respects than it was, before the troubles which obliged you to accept of their good offices. They found your city up in arms ; at their arrival all was in a state of anarchy and confusion, which would not admit of their deducing from that state any rule for their conduct. They recurred back, therefore, to more pacifick times, and studied the primitive constitution of your government. Neither reason nor equity admitted of their giving you any other ; and if they had, you would not have accepted it. Not being able, therefore, to remove its defects, they confined their views to the confirming it such as it had been transmitted to you by your ancestors. They even corrected it in several points ; for as to the abuses I have just remarked, there was not one of them which did not exist in the Republick long before the Mediators interfered with it. The only injury they seem to have done you, lies in having deprived the Legislature of the executive power, and the use of force in the support of justice : but in affording you at the same

time another resource equally certain and more lawful, they converted this apparent evil into a real benefit. In becoming guarantees of your rights and privileges, they saved you the trouble of defending them yourselves. And what benefit, alas ! amidst the miserable uncertainty of human affairs, is worth purchasing with the blood of our fellow-citizens ? Even liberty itself is too dearly bought at that price !

The Mediators may have been mistaken ; they were but men ; but they certainly did not intend to deceive you ; they wanted to be just. This is evident and demonstrable ; every thing serving, in fact, to shew, that whatever is equivocal or defective in what they have done, arose frequently from necessity, sometimes from mistake, but never from ill design. It was their business to reconcile things almost incompatible, the rights of the people and the pretended prerogatives of the Council ; the influence of the laws and the personal influence of the magistrates ; the independence of the state and the guaranty of the regulation. All this could not be effected without a little contradiction ; and it is of this contradiction your magistracy now takes the advantage, in converting every thing into its own favour, and making use of one half of your laws to violate the other.

It is evident, at first sight, that the Regulation itself is not a law which the Mediators wanted to impose on the Republick, but only an agreement which they have established between its members ; and that of course they have made no infringement on the Sovereignty. This is evident, I say, by article XLIV, which leaves to the Council-

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Council-general, lawfully assembled, the right of altering the articles of the Regulation just as it may at any time seem convenient. Thus the Mediators did not set their will above that of the government; they only interfered in a case of actual division. This is the sense of article xv.

But from hence also the reserves and limitations to the rights and prerogatives of the Council-general, laid down in article III, become null and void: for if this Council should at any time take it into their heads to determine that their power was not restrained by such reserves and limitations, they would no longer be legally restrictive: and when all the members of a sovereign state regulate its powers over themselves, who hath any right to oppose them? The exclusions, therefore, which may be inferred from article III, signify nothing more than that the Council-general is restrained within such limits, till it thinks proper to exceed them.

This is one of the contradictions I spoke of, and of which the cause is easily explained. Besides all this, it was very difficult for the plenipotentiaries, who had been used to maxims of government very different, to enquire deep enough into the true principles of yours. The democratical constitution hath been hitherto very superficially examined. All those who have treated this subject, were either ignorant of it, too little interested in it, or interested to misrepresent it. None of them have sufficiently distinguished the Sovereign from the Government, the legislative power from the executive. There is no other mode of government in which these two powers are so separate, and in which they have

been so much confounded, by the affectation of writers. Some of them conceive, that a Democracy is a government in which the whole people are the magistrate and judge : Others, having no other notion of liberty than the right of electing Chiefs, and the not being subject to Princes, conceive that he who commands is always the Sovereign. The democratical constitution is certainly the master-piece of political art : but the more admirable the mechanism of it, the less are common eyes capable of inspecting into it. Can any thing be more certain, Sir, than that the first precaution of admitting no general Council to be lawfully assembled but what is convoked by the petty Council ? and the second, of admitting no proposal to be made in this general Council, without the approbation of the said petty Council, are of themselves sufficient to keep the Council-general in a state of total dependence ? The third precaution, therefore, of leaving the deliberation of the matters before them to that Council, is the most superfluous thing in the world ; the petty Council finding no inconvenience in letting the general one enjoy all its supreme prerogatives, while it can make no use of them any farther than the petty Council is pleased to permit. In not limiting the prerogatives of the sovereign power, it was not rendered, in fact, less dependent, and an inconsistency was avoided : which proves that, for want of a thorough knowledge of your constitution, precautions were taken as fruitless in themselves as contradictory in their object.

It may be said, that these limitations were designed only to point out the cases in which the
inferior

inferior Councils should be obliged to assemble the Council-general. This I understand very well ; but would it not have been more simple and natural to have pointed out the prerogatives of those very Councils themselves, and the power they might exert without the concurrence of that superior Council ? Were the limits less fixed by what lay on one side than by what lay on the other ? and when the inferior Councils should trespass on such bounds, is it not clear that they had need to be authorized ? By this means, I confess, a plainer view would be had of the many prerogatives lodged in the same hands ; but then the objects would have been represented in their real light ; the means of ascertaining the respective privileges to the different bodies would have been deducible from the nature of the thing, and all contradiction would have been avoided.

The author of the Letters *, indeed, pretends, that the petty Council, being the government itself, ought, by virtue of that title, to exercise all the authority which is not directly vested in the other political bodies of the state. But this is in a manner to suppose its authority prior to the edicts ; it is to suppose the petty Council is the primitive source of power, and therefore possesses all those prerogatives it hath not alienated. Can you discover, Sir, in this notion, any of the principles of our constitution ? So curious a proof deserves a little of our attention. It is in the first place to be remarked, that the Letter-writer is treating of the power of the petty Council, set in opposition.

* Letters from the Country, p. 66.

to that of the Syndics, that is to say, of each of those two powers separated from the other. The Edict speaks of the power of the Syndics without the Council; it says nothing of the power of the Council without the Syndics. And why so? Because the Council without the Syndics is the government. The very silence, therefore, of the edicts concerning the power of the Council, is so far from proving its nullity, that it proves its extent. A new and curious inference this. We may admit it, however, if the antecedent be proved.

If it is because the petty Council is the government that the edicts are silent about its power, they might say at least that it was so; lest their silence should tend to establish the contrary of what they have said.

Now I desire to know in which of your edicts it is said that the petty Council is the government; and till this can be shewn me, I will shew you in what edict it is declared to the contrary. In the preamble to the political edict of 1568, we find the following words: *Whereas the government and state of this city consists of four Syndics, the Council of Twenty-eight, the Council of Sixty, the Two-hundred, the General, and a Lieutenant in the ordinary course of justice, with other offices, as good order requires, as well for the administration of the common-weal as for that of justice, we have recollected the order which hath been hitherto observed ---- to the end that it may be preserved for the future ---- as follows.*

Again, in the first article of the edict of 1738, I observe it said, that *five orders compose the government of Geneva.* Now of these five orders,

orders, the four Syndics constitute but one; the Council of Twenty-five make another; in which the four Syndics are certainly comprehended, as they are also in the three others. The petty Council, therefore, without the Syndics, is not the government.

I open the edict of 1707, and I see the fifth article tells me in express terms, that *Messieurs the Syndics have the direction and government of the state*. I shut the book, therefore, and say, that according to the edicts, the petty Council without the Syndics, is not the government, notwithstanding the Letter-writer affirms it is.

It may be said, that I myself, in these very Letters, often impute the government to the petty Council. I confess it; but it is to the petty Council presided over by the Syndics; and in that case it is certain that the government provisionally rests there, considered in the sense which I have annexed to that word. But this is a very different sense to that which the Letter-writer assigns to the term government. In my sense of the word, government is possessed of no other powers than those which are given it by the laws: on the contrary, in his sense, government is possessed of all power, and of this the law cannot deprive it.

The objection of the Remonstrants, therefore, remains in its full force, which advances, that when the edict speaks of the Syndics, it speaks of their power; and when it speaks of the Council, it speaks of its duty. I say, that this objection remains in its full force; for the Letter-writer replies to it only by an assertion contradicted by all the edicts. You will do me

a pleasure, Sir, if I am mistaken, to point out the error in my reasoning.

That author, however, very well content with his, asks *how it can be conceived that, if the Legislator had looked upon the petty Council in such a light, it did not regulate its authority by any clause of the edict: that it supposed its authority throughout, but did not any where determine it*?*

I shall endeavour to explain this profound mystery. The Legislator did not expressly regulate the power of the Council, because it gave it none independent of the Syndics, and when it supposed it vested with authority, it was on the supposition of the Syndics presiding in it. It had determined that of the Syndics, therefore it was needless to say any thing of the authority of the Council. The Syndics, it is true, cannot do every thing without the Council; but the Council can do nothing without the Syndics: it is, in fact, nothing without them; it is less than the Two-hundred, even when the Auditor Sarrazin presided.

This I conceive to be the only reasonable manner of explaining the silence of the edicts concerning the power of the petty Council; but this is not a manner of reasoning the magistrates chuse to adopt. Their very singular interpretations had been prevented, if a contrary method had been pursued in the regulation, and instead of ascertaining the prerogatives of the Council-general it had determined theirs.

How many things, contrary to publick liberty and the rights and privileges of the citizens,

* Ibid. page 67.

might

might not still be added ! All these disadvantages, however, which arose, or seemed to arise, from your constitution, and which cannot be corrected without running it in danger, have been ballanced and repaired with the greatest wisdom by compensations arising from the same source ; and this was exactly the intention of the Mediators, which, according to their express declaration, was *to preserve to each party its particular rights and privileges, consistent with the fundamental laws of the state*. M. Micheli du Cret, embittered by his misfortunes against this transaction, in which he was forgotten, accuses it of having subverted the fundamental constitution of government, and of depriving the citizens and burghers of their privileges ; without regarding how those privileges, both publick as well as private, were preserved or restored by that edict in the articles III, IV, X, XI, XI, XXII, XXX, XXXI, XXXII, XXXIV, XLII, and XLIV ; without reflecting that the force of all these articles depends on one alone, which hath been preserved also. An essential article, equivalent to all those which are contrary to your interest, and so necessary to the effect of those which are in your favour, that they would be all uselefs if this were eluded, as hath been attempted. We come now to the important point ; but in order to be fully sensible of that importance, it is necessary to weigh properly what hath been already laid down.

Many have been the attempts to confound independence and liberty : two things so essentially different, that they reciprocally exclude each other. When every one does what he pleases,

pleases, he will of course often do things displeasing to others; and this is not properly called a free state. Liberty consists less in acting according to one's own pleasure, than in not being subject to the will and pleasure of other people: it consists also in our not subjecting the wills of other people to our own. Whoever is the master over others is not himself free, and even to reign is to obey. Your own magistrates know this better than any body; those who, like Otho, decline no servility, in order that they may be able to command *. I know of no will that is truly free, but that to which none have a right to oppose resistance; now in the common system of liberty no one hath a right to do that which the liberty of another opposes; and true liberty is never destructive of itself. Thus liberty with-

* *Mankind in general* (says the author of the Letters from the Country,) *fear more to obey than they love to command.* Tacitus, who was a good judge of the human heart, thought differently. If this maxim, indeed were true, the servants of the great would be less insolent to trades-people, and we should see fewer flatterers cringing at the courts of Princes. There are few men whose hearts are sincere enough to love liberty: all would command, and at that price none fear to obey. A little upstart will subject himself to a thousand masters, in order to acquire ten servants. To prove this, we need only look upon the vanity and ambition of the Nobility in monarchical governments. With what emphasis do they pronounce the word *service*? How proud are they of having *served*? And how great and respectable do they think themselves when they are entitled to the honour of saying *the King, my master*? How do they affect to despise republicans, who are nothing more than free, and are certainly more noble in fact than themselves?

out

out equity is a palpable contradiction ; for, take it how we will, every thing must cause restraint in the execution of a licentious will.

There is then no such thing as liberty without laws, nor where any one is above the laws ; even in a state of nature, man being no otherwise free than by virtue of that natural law, which is binding to all. A free people are subjects, but not slaves ; they obey, but do not serve ; they have chiefs but no masters : they are obedient to the laws, but to them only : and it is by the force of those laws that they are secured from paying obedience to men. All the barriers that are erected in republican governments against the power of the Magistrates, are raised only to preserve the sacred repository of the laws from their infringement. Magistrates are the Ministers, not the arbiters of the laws ; they ought to protect, not to break them. A people are free, whatever be their form of government, when those who govern appear only as the organs of the law. In a word, liberty always follows the fortunes of the laws, it reigns or perishes with them. I know nothing more certain.

You have good and wise laws, whether it be that they are so in themselves, or whether it be merely because they are laws. Every condition imposed on individuals by the whole body, never can be burthensome to any, and the worst laws are still better than the best masters ; for every master will have respect to persons, whereas the laws are ever impartial.

Since the constitution of your state hath taken a fixed and stable form, your functions of legislator

legislator are at an end. The security of the edifice requires, that at present there should be as many obstacles to the impairing it, as at first it required conveniences to construct it. The negative right of the Councils, taken in this sense, is the support of the republick. The 6th article of the regulation is clear and precise; and on this head I subscribe to the arguments of the Letter-writer; which are unanswerable; so that whenever this privilege, so justly reclaimed by your Magistrates, should happen to be contrary to your interests, you should bear it with patience. Honest men ought never to shut their eyes against evidence, nor dispute against the truth.

The work is compleated, and nothing now remains but to render it unalterable. Now the work of the legislator never alters, and is to be destroyed only in one way; this is when the depositaries of this work abuse their trust, and make themselves obeyed in the name of the laws, which they themselves disobey*. In

* The people never yet rebelled against the laws, unless provoked by some oppression in their Chiefs. It is on this certain principle that in China, whenever there is a revolt in any of the provinces, the Governor is the first person punished. In Europe, our Kings constantly follow a different maxim, and therefore we see how little their states prosper. Population diminishes here a tenth part in every thirty years, whereas in China it doth not diminish at all. The oriental despotism supports itself, because it is more severe on the Great than on the populace: it therefore finds in itself its own remedy. I am told that they begin to adopt the Christian maxim at Constantinople. If so, we shall soon see the consequences that will result from it.

this

this case the best thing is productive of the worst; and the law, which should serve as a bulwark against tyranny, is more fatal than tyranny itself. This is what is prevented by the privilege of representation stipulated in your edicts, and restrained but confirmed by the Mediation. This privilege entitles you to the inspection, not of the act of legislation, as at first, but of the administration of the laws. While your Magistrates, all powerful in the name of the laws, sole masters to propose new ones to the legislator, are subject to its decisions, when they depart from such as are established.

By this article alone, your government, otherwise subject to many considerable defects, becomes the best that ever existed: for what government can be better than that of which all the parts are ballanced in perfect equilibrio; in which individuals cannot transgress the laws because they are subject to proper judges; and in which those judges cannot transgress them neither, because their conduct is inspected by the people?

It is true that, in order to find some reality in this advantage, it must not be founded on a vain right; but when we speak of a right we do not speak of a thing that is vain. To tell the person, who hath transgressed the law, that he hath transgressed the law, is to take a ridiculous and fruitless trouble. It is telling him a thing he knows as well as you.

Right, according to Puffendorf, is a moral quality, by virtue of which something or other is due to us. The mere liberty of complaining is, therefore, no right, or at least it is a right
which

which nature grants to all, and of which the laws of no nation deprive any one. Was it ever thought necessary to stipulate by the laws that whoever shall lose his cause should have the liberty of complaining? Was it ever known that any person was punished for it?

Where is the government, how absolute soever, in which the citizen hath not the right of presenting memorials to the Prince, or his Ministers, concerning any thing he may conceive to be of use to the state? And how ridiculous would not an edict appear, which should formally grant to subjects the privilege of presenting such memorials? It is not, however, in a despotic state; it is in a republic, in a democracy, that permission is formally given to the citizens, to the very members of the sovereignty, to use toward their magistracy those privileges, of which no despotic Prince ever yet deprived the meanest of his slaves.

What! doth this privilege of remonstrating, consist only in presenting a paper, which possibly may not be read, or to which may be at best returned only a barren negative*? Is this privilege, so solemnly stipulated for, in compensation for so many sacrifices, confined to the mighty prerogative of asking and obtaining nothing? To venture to advance such a proposition, is to accuse the Mediators of having basely over-reached the citizens of Geneva; it is to suspect the probity of the Plenipotentiaries, the

* Such, for example, as the reply made by the Council the 10th of August, 1763, to the Remonstrances delivered to the first Syndic, on the 8th, by a considerable number of citizens and burghers.

equity of the mediating powers; it is an insult at once to decency and common sense.

But, after all, what is this privilege? How far doth it extend? And how may it be exercised? Why is nothing of all this specified in the 7th article? These are reasonable questions, and present difficulties which merit examination.

The solution of one only will give that of all the rest, and discover the true spirit of this institution.

In a state such as yours, where the Sovereignty is in the hands of the people, the legislator always exists, though it does not always appear. It is never assembled, or speaks authentically, but in the Council-general; but out of the Council-general it is not annihilated; its members are dispersed, indeed, but they are not defunct: they cannot speak by the laws, but they may attend to the administration of those laws; it is their right; it is even a duty attached to their persons, and which cannot, at any time, be taken from them. Hence the right of making remonstrances. And thus the remonstrances of a citizen, or of any number of them together, is only a declaration of their opinion upon a matter that properly concerns them. This is the plain and necessary sense of the edict of 1707, as to the fifth article, which relates to such remonstrances.

In this article, the method of signing names is justly proscribed; because this is in a manner giving suffrage, and voting, as if the members were already in general Council; but the form of a general Council ought not to be adopted, unless

unless when it is lawfully assembled. The method of remonstrating hath the same advantage, without being attended with the same inconvenience. In this method, the members do not vote as if they were in the general Council; they only take upon them to judge what matters ought to be brought before them; as they do not number voices, they do not give their suffrage, they only give their advice. This advice, indeed, is only that of one or more individuals; but these individuals, being members of the sovereignty, and capable of sometimes representing it by their number, it is but reasonable that some regard should be paid to it; not indeed as a decisive determination, but as a proposition that demands such regard, and renders it sometimes necessary.

These remonstrances may relate to two principal objects, the difference of which determines the manner in which the Council ought to take cognizance of such remonstrances. Of these two objects, one is the making some alteration in the law; the other is, the reparation of some transgression of the law. This division is compleat, and comprehends every thing which should be made the subject of such remonstrances. It is founded upon the edict itself; which, distinguishing the terms according to the objects, imposes on the Attorney-general the duty of drawing up *instances*, or *remonstrances*, as the citizens prefer their *complaints*, or *requisitions* *.

* The word *réquerir* (require,) not only signifies to demand, but to demand by virtue of some right. This last acceptation of the word takes place in all judicial forms,

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This distinction being once established, the Council, to which these remonstrances are addressed, ought to regard them differently, according to that of the two objects, to which they bear a relation. In those states where the laws are already settled, there should be as much care as possible taken, that no alteration be made in them, especially in small Republics, where the slightest shock disunites the whole. The dread of innovations is therefore, for the most part, justly founded. It is particularly so with regard to you, who cannot but suffer from them; and the government cannot raise a greater obstacle against their admission; for however useful new laws may be, yet the danger to be apprehended from their introduction, almost always exceeds the prospect of advantage from them.

In this respect, when the burgeses or citizen has offered his advice, he has done his duty. He ought, moreover, to have a proper confidence in his magistrate, and to judge him capable of weighing the advantage of what he had proposed, and offered for his approbation, if he found it for the publick good. The law, therefore, has wisely provided, that neither the

forms, in which this law-term is used. We say *réquerir justice*, (to require justice,) but never *réquerir grace*, (to require favour;) so that in both these cases the citizens have an equal right of requiring, that their *requisitions*, or *complaints*, rejected by the inferior Councils, should be brought before the General, or Great Council. But by the addition of a word, in the sixth article of the edition in 1738, this right is limited to a complaint only, as it is expressed in the text.

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establishment, nor proposal, of such innovations should pass, without being considered by the Councils; and this is that negative right they lay claim to, and which, in my opinion, incontestibly belongs to them.

But the second object having a quite opposite principle, ought to be considered in a different light. Innovation is not the point here, but, on the contrary, it is to prevent any innovation from being attempted; not for the establishment of new laws, but for the maintenance of the old, in all their vigour. When things have a natural bent to change, fresh care should be employed to prevent it. Behold what the citizens and burgessees propose to themselves by the complaints, the edict mentions, who have so great an interest in opposing any change in the laws.

The legislative power in being, always perceives the effect, or abuse of its laws; it sees whether they are observed or transgressed, whether they bear a good or evil construction; it watches over them; it is incumbent on it so to do; it is its right, it is its duty, it has even sworn to perform it. It discharges this part of its duty by making remonstrances; it is this right it exercises; and it would be against reason, and even indecent, to suppose that the negative right of the Council extended to that object.

This would be unreasonable with respect to the legislature, because, in that case, the solemnity of the laws would be ridiculous and vain, and the state would in fact have no other law, but the will of the petty Council,
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in whose power it would absolutely be to neglect, despise, or violate and change all that might be offered to its consideration, and to turn black into white, without being accountable to any body. To what purpose their assembling in St. Peter's church, in a solemn manner, to give a sanction to their ineffectual Edicts, and thus address the petty Council, *Gentlemen, here is the body of laws we establish for the regulation of the state, and of which we make you, the depositaries, only to empower you to conform to or transgress them whenever you shall think proper.*

This would be unreasonable, with respect to remonstrances, because then, the right stipulated by an express article of the edict of 1707, and confirmed by a particular clause, in the edict of 1738, would prove a mere fallacy, and would mean no more, than a liberty of making an unavailing complaint, when they were aggrieved; a liberty which, never being yet disputed, it would be highly ridiculous to establish by law.

Lastly, this would be absolutely indecent, as such a supposition, would argue a distrust of the probity of the Mediators. It would be in effect, to make your magistrates knaves, and your citizens dupes, when the consequence of so many negotiations, treaties, and transactions, amounted to no more, than the subjecting one part of the people to the absolute discretion of the other, and making the largest concessions, in exchange for securities of no manner of value.

But

But say these Gentlemen, the edict is in express terms, *Nothing shall be carried to the general Council, which has not been previously discussed, and approved of, in the Council of Twenty-five, and afterwards in the Council of Two-hundred.*

What does the present question prove, but that this is a regular proceeding, conformable to the orders and obligation of the inferior Councils, of treating and previously approving, what is to be presented to the general Council. Are not the Councils necessitated to approve of what the law prescribes. How so ! if it should happen, that the council opposed their proceeding to elect Syndics, must the matter rest there ? and if the persons proposed should be rejected, are they not under a necessity of giving their approbation to those proposed by others, be they who they will ?

On the contrary, it is easily perceived, that this right of approving and rejecting, taken absolutely, is only applicable to such propositions as include novelty, or innovation, and not to what is only relative to the supporting the old established rules. Is it good sense to imagine any necessity of a new approbation, to redress the infringement of a law, long established. The approbation given to a law, when first promulged, contains all the consent requisite for its execution : when the Councils have once approved of the establishment of a law, they, by consequence, enjoin the observance, and ordain that the violators be punished ; and when the complaints of the burghers proceed no farther than a demand of reparation,

ration, without insisting on punishment, do they expect that such a proposal wants to be confirmed by a subsequent approbation? If this, Sir, is not a solemn mockery, I know not what is.

The whole difficulty that arises on this point, is, with regard to the matter of fact. Has this law been transgressed, or not? The citizens and burgessees say the affirmative, the magistrates deny it. Now conceive if possible any thing, in that case, more unreasonable, than this claim to assert a negative. They are told they have broken the law. They answer, they have not; and so being arbitrary judges in their own cause, they are justified, contrary to evidence, by their bare affirmation.

You will, perhaps, ask, if an affirmative be always evidence? I do not say so. But I say, admitting it to be evidence, your Magistrates would not less insist on their pretended negative right. This is exactly the case, and what ought to be the legal presumption? Is it credible, is it natural to suppose, that private persons, without power or authority, should come and tell the Magistrates, who may be to-morrow their judges, that they have done them injustice, when they have not? What could they hope for, from a conduct so ridiculous, were it even to pass with impunity? Could they imagine that these Magistrates, so haughty and inflexible in the wrong, would acknowledge errors of which they were not culpable? On the other hand, is it not more natural to believe they would deny the faults they had committed? Have not they interests to

support, and is it not an encouragement to do so, when they are certain of impunity, and have besides the power of the state in their own hands? When the powerful and the weak are at variance, which is generally to the prejudice of the latter, the most reasonable presumption is, that the strongest is in the wrong.

I know very well that probabilities do not amount to proofs: but in matters of notoriety, relative to the laws, when a number of citizens affirm, that injustice has been committed, and the Magistrate, who is accused of that injustice, affirms the contrary, who can judge in that case but the intelligent publick; and where are they to be found at Geneva, unless among the Members of the General Council, which is composed of both parties?

There is no nation whatever, where a subject, injured by an oppressive magistrate, cannot find some method of carrying his complaint before the Prince; and the dread of such an appeal restrains the commission of many enormities. In France, where the Parliaments are extremely rigorous in their attachment to the laws, the proceedings, in many cases, are open against them, and by application to the Courts of Request a repeal of their decree may be obtained. The people of Geneva have no such privilege. The parties condemned by the Councils, can in no case appeal to any other Tribunal: but that which no person can do for his own private interest, is permitted to all, when the common good is concerned: for every abuse of the law, being an attack against the liberty of the people, becomes a publick affair,

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affair, and when the calamity is general, it ought then to be laid before the Sovereign by way of complaint. Without that resource, there is no Parliament, Senate, or Tribunal on earth, that would not be armed with the same dreadful power, which your Magistracy has dared to usurp; there can no where be any government so tyrannical as yours, and you must allow it is a very odd kind of liberty you enjoy in your Republick.

The right of making remonstrances is closely united to your very constitution; which is the only method of reconciling liberty with subordination, and of keeping the Magistrates in a state of due dependence on the laws, without lessening their authority over the people. If remonstrances have a just foundation, if the reasons for making them are evident, we should presume the Council sufficiently equitable to pay them a proper regard. But if, on the contrary, the grievances were either trivial, or imaginary, or had not that degree of evidence which might remove all doubt, it would then make a difference, and the decision would be made by the general voice; which is, in your state, the supreme power and only sovereign. Now as this general voice, ever since the foundation of the Republick, has always had the means of exerting itself, and that those means were a part of the constitution, it follows, that the edict of 1707, being grounded besides on immemorial right, and constant exercise of that right, had not the least need of farther explanation.

The Mediators having laid it down as a fundamental rule, to deviate as little as possible from the tenor of the ancient edicts, left that article as they found it, and even sent it back unaltered. So by their regulation with respect to that point, your right continues exactly the same: as the article by which it was established is absolutely repealed.

But the Mediators did not perceive, that the change they were under a necessity of making in other points, obliged them to a farther illustration of this particular, and to add such new explanations as were judged proper, considering them as consequences deduced from that point. The effect of neglecting remonstrances from private persons, is, that it becomes then a common cause, and the opposition made by the publick voice, prevents a refusal of justice. This alteration was, at that time, legal, and agreed with the fundamental law of nations, which, in every country, arms the supreme magistrate with the force of the state, when it becomes necessary, for the execution of its will.

The Mediators have not supposed any such denial of justice, though the event proves they ought to have supposed it. They judged it necessary, for preserving the publick peace, to divest right of power, and even to suppress the inoffensive assemblies and deputations of the order of burgeses. But since the right of the burgeses had been otherwise confirmed, the Mediators should have inserted, in the form by which these innovations were made, a saving of that right, in recompence for those they were

were deprived of, which was never done. Their work was very defective in that respect ; for as the right continued unimpeached, its effects should have still remained.

Thus you see with what policy your magistrates take advantage of this omission in the Mediators ! Be your number ever so great, they regard you only in the light of private persons ; and whenever you shall lose the right of assembling in a body, that body will be considered as annihilated. It is not come to that yet, as that body still preserves all its rights and immunities, and always makes a principal part of the state and legislature. They drop that false supposition, therefore, in order to raise numberless imaginary difficulties, with respect to the authority by which they are laid under a necessity of assembling the General Council. There is no authority but that of the laws when they are properly observed : but the authority of the law, infringed by them, belongs to the legislature in general ; and the magistrates, not daring absolutely to deny, that in such case the power resides in the majority, raise their objections with regard to the means of ascertaining it. These means will always be easy, as soon as they shall be permitted, and will be attended with no inconveniency ; as the abuse of them may be readily prevented.

Thus would all tumult and violence cease ; there would be no farther need of those resources, which, however necessary, are always terrible, and which you are very wisely prohibited, not because you have ever abused them, (for, on the contrary, you left them to the last

extremity,) only for your defence, and always with that moderation, which should have continued to you the power of arming yourselves, if some danger had not proceeded from the indiscretion of a few. Nevertheless, I shall return thanks to Heaven, that we are now freed from that dreadful pomp of arms, in the midst of our state. *All things are lawful in cases of extremity*, as the author of the Letters expresses himself, in many places. Allowing that assertion to be true, yet, certainly all things would not be expedient. When the abuse of power puts the sufferer above the law, doth it necessarily follow, that the means he employs to destroy that tyranny are such as leave him any hopes of success? Would they desire you should be reduced to that dilemma? I cannot believe it; and if that should ever be the case, I think there is nothing capable of inducing you to take so desperate a remedy. In your situation, every false step is fatal; and whatever might betray you into a resolution of doing yourselves justice that way, is but a dangerous snare laid for both your lives and liberties; and were you to be masters but for a moment, in less than a fortnight you would be crushed to atoms. Let your magistrates act as they please; let the author of the Letters say what he will; a just cause never uses violent methods. Although I believe they would not willingly force you to desperate resolutions, yet I am of opinion they would see you enter into them with pleasure; and I think they ought not to oblige you to regard that as an expedient, which would deprive you of all other remedies. Justice and
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the laws are on your side : these, I know, are but feeble supports against interest and intrigue, but they are all you have to trust to ; rely on them, and persevere in your pacifick resolutions to the end.

Can I approve of disturbing the publick peace ? I, who have sacrificed to it whatever was dearest to me ? You very well know, Sir, how I was intreated, solicited ; my appearance alone would have been sufficient ; my rights would have been supported, perhaps my injuries repaired. My presence would have engaged my adversaries in intrigues, and I should have been in one of those envied situations, in which the actor of a capital part contemplates, with conscious dignity, his own importance. I have chosen banishment from my country ; I have renounced all, even hope itself, rather than risque the safety of the publick, by disturbing its tranquillity. My sincerity ought to be credited by the publick, since I argue so strongly in its favour.

But why should assemblies of the people, purely civil and peaceable, be suppressed, which could only be for legal purposes, as they were still in subordination to the magistrates ? Why, since the burgeses were possessed of the right of making remonstrances, were they not permitted to perform that function with the regularity and authenticity it required ? Why take from them the means of deliberating among themselves, and of preventing tumult : at least with respect to sending deputies to their assemblies ? Can any thing be conceived better regulated, more decent, or

convenient than meeting together by companies, and the manner of proceeding established among the burgesſes ever ſince they have governed the ſtate? Is it not better policy to ſee thirty deputies go to the town-houſe, in the name of all their fellow-citizens, than the whole body of burgesſes crouding tumultuoſly, each having his particular intereſt, and ſpeaking only for himſelf? You yourſelf, Sir, have ſeen thoſe that had remonſtrances to make, obliged, on account of their numbers, to be divided into parties, to avoid that brawling and uproar, inſeparable from ill-managed popular aſſemblies; and afterwards coming in ſmall companies of thirty or forty, obſerving more modeſty and reſerve in their behaviour, than the laws preſcribed them. But ſuch is the ſpirit of the Genevans, always rather under than over the mark with reſpect to their privileges; they are often reſolute, but never ſeditious; the law is always written in their hearts, and a reſpect for their magiſtrates uppermoſt in their thoughts. Even at times when the moſt lively indignation ſhould have animated their reſentment, and when there was no obſtacle to prevent the full ſcope of popular fury, they were never known to manifeſt the ſmalleſt ſymptoms of diſobedience to their magiſtrates. Can ſo much be ſaid in favour of their oppreſſors? The people are ſenſible of what they have formerly ſuffered; and they know what fate may hereafter be prepared for them, by their unjuſt and tyrannical maſters.

THEſe are the men who truly deſerve liberty, becauſe they never abuſe it; who are, notwithſtanding,

standing, loaded with chains like the vilest miscreants. Such are those citizens, joint sharers of the sovereign power, who are treated as slaves, and even worse than the subjects of the commonwealth; for in the most absolute governments, communities are allowed to assemble without the presence of a magistrate.

Contradictory regulations can never be observed at the same time. The magistrates permit, they authorize the right of making remonstrances, and reproach the remonstrants with not being consistent with themselves, when they take all means possible to prevent their being so. This is not just; and if they hinder your coming in a body, they should not afterward object against your capacity, as private persons. Why cannot they perceive, that if the weight of remonstrances depends on the number of remonstrants, it is impossible, in a general assembly, for each member to present his remonstrance separately? Besides, how great would be the difficulty for the magistrate, if he was obliged to read or hear severally the petitions of a thousand persons, as he is enjoined by law.

Here is that easy solution of the great enigma, said, by the authors of the Letters, to be incapable of explanation*. When the Magistrate pays no regard to the complaints of particular persons, let him receive them from the company of Burgeses; let him allow of remonstrances from them separately, at different times and places; let those of the Burgeses company, who would support their remonstrances by plurality of voices, do it by their

* Page 88.

Deputies ; let then the Deputies be entered on a list ; their number be limited ; and we shall presently see, whether their votes are, or are not, those of the State. But this is not material : Take heed only not to intrust these partial assemblies with any power, but that of giving their opinion on the subject of remonstrances. They will, as assemblies authorized for that purpose alone, have no right, but as individuals. Their business is not to alter the law, but to judge whether it be properly observed ; not to redress grievances, but only to point out the necessity of adapting a remedy ; and supposing their voices to be unanimous, it will amount to no more than a remonstrance. Thus it will only be their province to know, if the remonstrance before them deserves their attention, whether to assemble the General Council, if the Magistrates approve of it, or to dispense with their meeting, if they shall think it more expedient ; taking it on themselves to consider the just complaints of the Citizens and Burgeesses.

This is a plain, easy, and natural way, without the least inconveniency. There is no new law to make, it is only repealing one article for that purpose. In the mean time, if this should startle your Magistrates, there is another method as easy, and not favouring more of innovation, which is to establish general periodical Councils, and to limit their jurisdiction to such complaints as shall come before them, without meddling with any other matter, for and during the interval between the sessions of the General Council. These assemblies, which
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by a very important distinction * should not have the authority of Sovereign, but that of Supreme Magistrate, so far from being capable of innovating, must infallibly prevent any such practice on the part of the Councils, and settle every thing relative to the legislative power in such a manner, as that the body, intrusted with the forces of the State, might immediately withdraw itself without trouble, as much as it pleased; and to put an end to these assemblies, the Magistrate will have nothing to do, but exactly to fulfill the laws; as the convocation of this general assembly will be useless and ridiculous, when it has no business to transact; and that was, in all probability, the case, when the general periodical Councils were dissolved in the sixteenth century, as before mentioned.

It was for the purpose I just now related, that they were re-established in 1707, and the old debate, now revived, was at that time decided by three consecutive general Councils, the last of which passed the article concerning the right of the Burgeses to make remonstrances. That right was not contested, but eluded; the Magistrates durst not refuse their assent, that when the complaints of the Burgeses were rejected, the matter should not be brought before the General Council; but as it was their province alone to convoke it, they usurped the power of putting off the meeting as they thought fit, and were sure of tiring the patience of the Burgeses by their repeated delays. Yet their indisputable right was at last so well known, that they gave notice on the

* See the Social Compact, book iii. chap. 17.

ninth of April for the meeting of the General Assembly the fifth of May, *to the end* (says the proclamation) *that those reports and insinuations may no longer be believed, that it is in the power of any persons whatsoever, to elude or defer the meeting of the General Assembly to a farther day.*

Let it not be said that this convocation was influenced by any violence or act tending to sedition, as every thing was transacted by deputation, as the Council directed, and never were the Citizens and Burgesses more peaceable at their meetings, purposely avoiding to appear in great numbers, or to assume a commanding air; and so far did they lay aside their dignity, that those who generally wore swords left them off to assist at the Assembly*. It was not till after the third General Council, that they called to arms, through the fault of the Council itself, who had the imprudence to send three companies of the garrison with bayonets fixed, in order to use violence to two or three hundred Citizens, still assembled at St. Peter's church.

These periodical Councils, re-established in 1707, were dissolved five years after. But by what means, and under what circumstances? A short examination of the edict of 1712, will point out how we ought to judge of its validity.

* They used the same precaution in 1734, in the remonstrances of the 4th of March, supported by a thousand or twelve-hundred citizens, or burgesses, in person, not one of whom wore a sword. These *minutiae*, which would be of no moment in any other state, are of consequence in a Democracy, and point out the national character better than matters of a more striking nature.

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In the first place, the people, terrified by the late executions and proscriptions, had neither liberty, nor any security for their lives : they were afraid of every thing, after the treacherous act of indemnity made use of to surprize them. They dreaded seeing at their doors, the Swiss, who serve as officers in these bloody executions. Scarce recovered from the fright they were first put into by the edict, they granted every thing that was demanded, through mere terror. They very well perceived they were not assembled to give laws, but to receive them.

The motives of the repeal, founded on the dangers with which the periodical Council was threatened, point out a manifest absurdity to any person, who knows the spirit of your constitution, and that of your burgeses. They alledge in their excuse, the miseries of the plague, famine, and war ; as if war or famine could prevent the meeting of a Council ; and as to the plague, you must confess it to be an over-nice caution. They were afraid of enemies, of disaffected persons, of cabals, and plots : never were there such timid wretches. Their former experience should have given them more confidence. The general Council was the safety of the state in those perilous times, as we shall shew by and by, and their resolutions were always wise and spirited. They supported these assemblies, contrary to the fundamental laws of the constitution, of which they are the firmest protection. They are said to be contrary to the edicts, and are established by the edicts. They are censured as innovations, and are as ancient as the Republick
itself.

itself. There is not a single line in the preamble, which is not either false or absurd ; and it is owing to that curious explanation that the repeal of the edict passed, without any previous publick notice, to instruct the members with regard to the proposition that was to be made, and without giving them time to deliberate among themselves, or even to reflect on the subject, and that at a time when the burgesses, ignorant of the history of their own government, suffered every kind of imposition from the ruling magistrate.

But there is a cause of nullity still more solid, which is the violation of the edict in one of its most important articles, that is, with respect to decyphering the billets, or summing up the votes ; for in the fourth article of the edict of 1707, it is ordered that four Secretaries *ad actum* shall be appointed to gather the votes ; two chosen from the Council of Two-hundred, and two from the body of the people, who shall be elected on the spot by the first Syndic, and take the oaths immediately in the church. Yet in the General Council of 1712, without paying any regard to the former edict, they caused the suffrages to be collected by the two Secretaries of State. What could that change proceed from, and why that illegal management, in so important a point ; as if they acted so, on purpose to have the pleasure of breaking the law they had just established ? They began with violating in one point, the edict they would disannul in another. Was this a regular proceeding ? If, as it is expressed in the edict of repeal, “ the opinion of the
Council

Council was *almost unanimously* * approved of, whence was the consternation visible in the faces of the citizens, in coming out of the Council, while the magistrates testified an air of the utmost satisfaction and triumph †? Are these different aspects natural to persons who are unanimously joined in the same opinion?

Now to gain their purpose, with respect to the edict of revocation, they employed terror,

* By the method which I am told was followed, this unanimity was not difficult to obtain, and it was in the power of these Gentlemen themselves to render it complete.

Before the assembly, Mestrezat, Secretary of State, said, *Let them come; I have them.* He employed, it is said, for this purpose, two words, *Approbation* and *Rejection*, which have ever since continued in use; so that which ever side was taken, it came to the same point. For if the billet of approbation were chosen, the opinion of the Councils, which rejected the periodical assembly, was approved; if that of rejection, then the periodical assembly was rejected of course. I do not invent the fact, nor do I relate it without authority, as I desire the reader to believe; but I am indebted to truth to declare, that I did not receive it from Geneva; and must in justice own, that I do not myself believe it to be true. I only know, that in such a case the equivocation must occasion many of the voters to be at a loss which word to choose to express their intention: and I also acknowledge, that I cannot assign any honest motive or lawful excuse for the infringement of the law in the gathering of the votes. Nothing is a stronger proof of the terror the people were in, than the silence with which they beheld this irregularity.

† They said among themselves as they went out, and the words were heard by many, *we have made a great day's-work.* Two days after, a number of the citizens complained that they had been deceived, as they never meant to reject the general assembly, but only the opinion of the Councils: but they were laughed at.

surprise,

surprize, and, I doubt not, fraud ; and certainly transgressed the law, by making use of such unjustifiable methods. Are these the practices of men, who are governed by a sacred law, as they affect to call it ?

But let us suppose, that the repeal of this edict was according to law, and that they had not broken the conditions, which import, that no alteration of the edict shall be valid, till it meets with the approbation of the Sovereign Council. What other effect can it produce, than that of restoring the ancient usage, practised before the establishment of the edict, and consequently the right, of which the burgessees were possessed ? When a power, which was once legal, has been revoked, are not matters in the same state as before the delegation, or appointment of that power ?

We must admit, that these general periodical Councils had but one inconvenience, but that was of a dreadful nature ; I mean, its absolute compulsory power, of obliging the magistrates, and all orders of the state, to contain themselves within the bounds of their duty, as prescribed by the laws. This alone is a convincing reason, why these terrifick assemblies will never be re-established, any more than the right of the burgessees of convoking themselves by companies. But that is not to our present purpose. I examine not here what

• These conditions declare, that *no change in the edict shall be valid, till it has been approved of in the Sovereign Council.* It remains, then, to be determined, whether an infraction of the edict is not a change of the edict.

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ought, or ought not to be done, what they will or will not do. Those expedients I mention as possible and easily executed, being drawn from your own constitution, are no longer conformable to the new edict, and cannot be adopted without the approbation of the Councils, in which assuredly they will not be proposed: But taking the supposition of the author of the Letters for granted, I obviate his trivial objections; I shew, that he seeks obstacles where there are none, except in the reluctance of the Council; and that many methods might be used, if they pleased to remove these pretended obstacles, without in the least altering the constitution, or without risking the public tranquillity.

But that I may enter more minutely into the merits of the question, I shall take the last edict for my guide, and you will not perceive a single real difficulty, with regard to the necessary effect of the right of making remonstrances.

In the first place, that difficulty which seems to arise, concerning the limitation of the number of remonstrants, is ridiculous from the edict itself, which specifies no particular number, and gives not less validity to the remonstrance of one, than to that of an hundred.

Secondly, That of giving individuals the right of assembling the General Council, is also frivolous, because that power, whether it be dangerous or not, has nothing to do with the effect of making remonstrances. As there are two annual Councils held on the subject of elections, there would be no necessity for an extraordinary assembly for that purpose. It is
enough

enough if the remonstrance, which has been examined by the inferior Councils, be laid before the next general Council, as ought to be the practice *. The session need not be one hour the longer on that account, as every body is satisfied of, who knows the order observed in these assemblies. They need only take care that the question passes the votes, or is balloted for, before the business of elections comes on; for if they should wait till the election is over, the Syndics will immediately dissolve the assembly, as was done in 1735.

Thirdly, That difficulty which arises from multiplying general Councils, has no more weight than the former; and supposing it had, what dangerous effects can it produce? For my part, I cannot see any.

It is enough to make one shudder on reading the enumeration of these imaginary dangers, in the Letters written from the Country, in the edict of 1712, and in the Speech of M. Chouet. But to come to the proofs. The last mentioned says, that the tranquillity of the state was never so well settled as when these assemblies were less frequent. Here is an inversion to be rectified; he should have said, that these assemblies became less frequent when the Republick enjoyed more tranquillity. Read, Sir, the annals of your city, in the sixteenth century. How it shook off the twofold yoke, that so miserably op-

* I have before distinguished the cases wherein they are to be carried to the General Council, and where not necessary,

pressed it? How stifled the factions by which it was torn? How resisted its rapacious neighbours, whose assistance was but a pretext for covering their designs of reducing it to their obedience? How has the evangelical and political liberty been established in its bosom? How has its constitution arrived at that degree of firmness it enjoys? How did it mould its system of government? The history of those memorable times is a continuation of prodigies. Tyranny, neighbours, enemies, friends, subjects, citizens, war, plague, famine, all conspired the ruin of this unhappy city. One can hardly conceive how a state just formed could possibly escape so many dangers. But Geneva not only escaped those dangers, but finished the important work of its establishment, in the midst of those critical times. It was by frequently holding their general Councils *, it was by the uniform prudence and steadiness of the citizens, that all perils were surmounted, all difficulties removed, and that city restored to good order, freedom, and tranquillity, which before was the seat of faction and slavery. It was after every thing was settled within, that they found themselves

* As these were called in all difficult cases, as they were termed by the edicts, and as these difficult cases often returned in those tempestuous times, the General Council was then convoked more frequently than the Council of Two-hundred is now. We may judge from one epocha. During the first eight months of the year 1540 eighteen General Councils were held, and yet this year had nothing more extraordinary than those which preceded and followed it.

in a condition of gloriously carrying on the war without. The sovereign Council had then compleated its work, it was incumbent on the government to do its part: the Genevans had but to defend the liberty they had just established, and to shew themselves as good soldiers in the field, as they were worthy citizens in the Council: and this they actually performed. Your annals every where speak in praise of general Councils; your Magistracy can find nothing in them but terrible evils. They raise objections but history removes them.

Fourthly, The difficulty of being exposed to the insurrections of the people, when they have arrived at a great degree of power, is obviated in the same manner, and I know no better answer to this sophistry, than by appealing to a constant succession of facts. All the resolutions of the General Councils were as full of wisdom as intrepidity; never were they insolent in power, or mean-spirited in adversity. They have sometimes sworn to die for their country; but I challenge any person to mention a single man, even of those most influenced by the people, who by any act of precipitation offended the neighbouring powers, or ever basely cringed or bowed the knee before them. But I would not venture to say as much for all who are influenced by the little Council. But let that pass. When any new resolutions are to be taken, the proposition should come from the inferior Councils, and it is the province of the General Council to approve or reject them. Its power extends no farther. This being admitted

mitted on all sides, the force of this objection falls to the ground.

Fifthly, The difficulty said to arise from throwing the laws into doubt and obscurity, had no better foundation, as the question here is not of such a loose and general interpretation of them, as may admit of subtil distinctions, but a true and ingenuous application of a fact to the express words of the law. The Magistrate may have his reasons for finding obscurity where the law is plain, but its clearness is by no means affected on that account. But these gentlemen falsified the question. To point out from the letter of the law in what instance it has been violated, is not to propose doubts with regard to the law itself. If there should be a single expression which might be interpreted in favour of a fact, the Council in their answer will not fail to establish it in that sense. The remonstrance then loses its credit, and, if proceedings are carried farther, it infallibly falls to the decision of the General Council; for the interest of the whole is too great, too much present, and too sensibly felt, especially in a trading town, for the generality of the people ever to think of shaking the authority of the Legislature and Government, by pronouncing that a law has been transgressed, when there may be a possibility of the contrary.

It is the business of the Legislature, or compilers of the laws, to see that there be nothing equivocal in their meaning: when there is room to take a law in a double sense, the equity of the Magistrate must fix the meaning
for

for all future practice; when the law may be taken in more senses than one, he makes use of his privilege in judging as he shall think proper; but that liberty doth not extend so far as to change the literal meaning, and extract another sense, which in reality it has not. If that were to be the case, all law would be at an end. The question here proposed is so clear, that it is easy for a person of good sense to give an answer, and that good sense is certainly to be found in the general Council. So far are they from being the occasion of endless disputes, that, on the contrary, they prevent them. And the edicts being secured from the danger of such false or arbitrary interpretations, as interest or passion might suggest, one is sure of having the legal and genuine sense, and individuals are no longer in doubt of the interpretation given by the Magistrate. Does it not appear very evident, that the difficulties in question would no longer exist, if this method had been taken for their solution?

Sixthly, The difficulty of submitting the Councils to the orders of the citizens, is absurd. It is very true, that remonstrances are not orders, no more than the request of a person who demands justice can be called an order. But the Magistrate is as much obliged to render the petitioner the justice he demands, as the Council are, whose business it properly is, to redress the complaints of the burghers and citizens, brought before them in the remonstrances. Although the Magistrates are superior to private persons, yet that superiority should be no impediment to paying that to their

their inferiors, which is their due; and the respectful terms used by the latter, in demanding their right, do not deprive them of the smallest particle of it. A remonstrance is then, if you please, an order given to the Council, in as much as it is directed to the first Syndic, to whom it is presented to be communicated to the Council; which he is obliged to do whether he approves of the remonstrance, or not.

Besides, when the Council takes advantage of the use of the word Remonstrance, which imports inferiority, and that is a matter nobody disputes, they forget, at the same time, that the word mentioned in the rule is not inserted in the edict to which it refers, but the very word Remonstrants, which conveys quite another meaning; to which may be added, the difference between Remonstrances from the body of the Magistracy to their Sovereign, and those which are presented on the part of sovereign Members of the Legislature to a body of Magistracy. You will say, I am in the wrong to answer such an objection, but I find it of more consequence than all the rest together.

Seventhly and lastly, The difficulty under which the constitution labours, when a man of consequence contests the meaning or application of the law, by which he is condemned, and who seduces the publick in his favour, is really such as I shall not pretend to give a name to. Pray, who ever knew the burgeses of Geneva to be a people so servilely complaisant, so meanly imitative of the manners or maxims of others, so stupid, such enemies to the laws, and so ready to take fire for the interests of others?

others? Certainly each person must have seen his own interest mixed with that of the publick, before he could have resolved to meddle with its affairs.

Fraud and injustice often meet protection, but never from the publick. In this instance the voice of the people is the voice of God. But unfortunately this sacred voice is never heard in opposition to power, and the complaints of oppressed innocence dissipate into feeble murmurs, quite despicable in the ears of tyranny. Whatever is done by intrigue and bribery always relates to some advantages of those who govern; it cannot be otherwise. Cunning, prejudice, interest, fear, hope, vanity, specious appearances, an air of decency and subordination; all these are for men of parts, in authority, and practised in the arts of abusing mankind. When address is opposed to address, or interest to interest, what prodigious advantages have the principal families in a small town, always caballing to have the command over friends, clients, creatures; and this joined to the whole power of the Councils, in order to ruin such individuals as dare contest with them. Look round you, at this very time, and you will find that though supported by the laws, equity, truth, evidence, the common interest, the care taken of private safety, in short, whatever can engage the multitude, are scarce sufficient to protect eminent citizens, who exclaim against the most open violence and injustice; and it is observed, that among a sensible people the interest of an insignificant meddler engages more partisans than that of the
state.

state. I know nothing either of your burgeses or leading men, if any person was ever to make an impertinent or ill grounded remonstrance: this at least has not happened, as far as I can tell; the author, if he be not contemptible, must be abandoned.

Can it be necessary to refute objections of this kind, in speaking to a Genevan? Is there a single person in your whole city who is insensible of the want of probity of which I have complained; and can one seriously put the constant usage of a sacred, fundamental, and legal right, in competition with imaginary inconveniences, which nobody knows better than the persons themselves, who raised the objections? Whilst, on the contrary, the violation of this right opens a door to the most detestable Oligarchy; as we have seen it attempted, without any pretext whatever, against the liberty of the citizens, and arrogantly claims the power of sending them to prison on every occasion, without any kind of formality, contrary to the tenor of the most positive laws, and without paying any regard to their protests and remonstrances.

The explanation given to these laws is still more insulting than the tyranny exercised in their name. How do they satisfy you? It is not enough you should be used like slaves, but you must be treated as children. Good God! how can they doubt of what is so clearly evident! and what animosities have been raised on this subject? Are not these positions, Sir, refuted by the bare mention of them? I hope, in making them the conclusion of my

Letter, I shall not take up too much of your time.

A man may be made a prisoner three several ways ; first, at the instance of a party, who has entered any suit or action against him ; secondly, when he is taken in a notorious fact, of which the public are witnesses ; and thirdly, *ex officio*, by the sole authority of the Magistrate, on receiving private intelligence, strong circumstances, or other sufficient reasons.

In the first case, the laws of Geneva ordain, that both the Plaintiff and Defendant be taken into custody ; and moreover, that bail or security be given to pay the damages and costs, in case of insolvency in either party. So there is a reasonable security taken on the part of the accuser, or Plaintiff, that the action is not fraudulently commenced.

In the second case the proof is in the fact itself, and the accused is in some measure convicted by his detention. But in the third case, there is neither the security of the first nor the evidence of this second ; and it is in the last case only, that the law, supposing the Magistrate to be just, takes such methods, as shall prevent his being deceived.

These are the principles on which the Legislature acts, with respect to these three cases. Now observe the application.

In the case of the civil action, they begin by a regular process, which must be pursued thro' all the judicial forms, and it is treated as a Cause of the first instance. There can be no imprisonment, *if*, as the civil Edict expresses it,
after

after the hearing of the parties, it has not been so ordered by the Court *. You know that the Tribunal of the Lieutenant of the Police, and his assessors, called Auditors, form what they term the Court of Justice at Geneva. So it is to these, and no other Magistrates, not even to the Syndics, that a complaint of the like nature should be carried; and it is their province to order the imprisonment of both parties, saving the right of appealing to the Syndics, *if, according to the terms of the Edict, either party shall find himself aggrieved by any of the proceedings* †. The three first articles of the Title XII. concerning criminal causes, evidently refer to that case.

In the case where one has been caught in the perpetration of a fact, whether it be a crime, or any irregularity punishable by the police, it is in the power of any person to arrest the offender; but the executive power resides in the Magistrates, as the Syndics, the Council, the Lieutenant of the Police, or an Auditor, who alone can commit the party. The Counsellors have no such authority, and the prisoner ought to be interrogated within twenty four hours from his arrest. The five following articles of the same Edict are only relative to the second case; as appears both from the order prescribed, and from the name of the criminal being given in at the first commencement; for it is only in the case of a notorious fact, in

* Edits Civils, tit. xii. art. 1.

† Ibid. Art. 2.

which the offender is caught; where the person accused can be stiled a criminal; in all other cases he is not deemed so before the end of the process. But if they will persist in calling every person who is accused a criminal, and making them synonymous, it follows, by the same rule, that innocent and criminal are the same.

In the remainder of the twelfth Title there is nothing more said concerning imprisonment; and from the ninth article inclusive, it treats intirely of the procedure and form of giving judgment in every kind of criminal process. It makes not the least mention of imprisonments by the office or sole authority of the Magistrate.

But the edict concerning the Police treats particularly of the duty of the four Syndics. Why so? Because that article immediately relates to civil liberty. It is therein expressed, that the power exercised by the magistrate in that respect is rather the act of government than of the magistracy, and that an inferior tribunal should not be invested with such a power. So the edict grants this to the Syndics alone, and not to the Lieutenant of the police, or any other Magistrate. Now to prevent the Syndics from being imposed on, as I before hinted, the edict directs them first of all to command those whom it concerns, to *examine, interrogate*, and, lastly, *imprison the party*, if necessity require. I believe the law could do no less in a free country to restrain a power so formidable, and it is necessary the citizens should have all reasonable security, that when they have done their duty they may rest safely in their beds,

The

FROM THE MOUNTAINS. 293

The following article, of the same Title, enters into the case of notorious guilt, in which the perpetrator is detected, as the first article doth in criminal matters, in the same edict concerning the Police. This may appear a repetition; but in the civil edict the affair is considered as it relates to the exercise of justice, and in the political, as it relates to the security of the citizens. On the other hand, these laws, being made at different times, and being the work of men, it cannot be expected there should be no contradiction or absolute perfection in them. It is sufficient, if, on reflection, and comparing the whole, we can discover the spirits of the legislator, and the reasons.

Indulge me with one reflection more.— These rights, so judiciously combined; these rights, claimed by the remonstrants by virtue of edicts, you have enjoyed under the government of the Bishops; Neuschâtel enjoyed them under its Princes, and would they divest you of them, who are Commonwealth's-men? See the tenth and eleventh articles, and many others, concerning the franchises of Geneva, in the act of Ademar Fabri. This monument of liberty is no less to be regarded by the Genevans, than the Magna Charta is by the English; which is of much greater antiquity; and it would certainly be mighty agreeable to the latter, to hear their great Charter spoken of with as much contempt as the author of the Letters has dared to do with respect to ours!

He pretends, that it had been abrogated by the constitutions of the Republick *. But on the contrary, I very often see in your edicts the expressions, *as formerly*, which plainly refers to ancient usage, and consequently to the rights on which they were founded; and, as if the Bishop had foreseen that those who should have protected the liberties of the state, would have been the first to invade them, I find he has declared, in the same act, that they shall continue for ever without being affected by non-usage or prescription. You must admit this to be a very strange contradiction. The learned Syndic, M. Chouet, says, in his Memorial delivered to Lord Townshend, "That the people of Geneva, by the reformation, entered into the rights of the Bishop, who was both Temporal and Spiritual Lord of the town." The Author of the Letters, on the contrary, affirms, that the same people lost, on that occasion, "The franchises and immunities granted them by the Bishop." Which of these relations shall we believe?

What! lose the liberties you enjoyed when you were subjects, and be slaves, now you are rulers? Your Magistrates have stripped you of all the privileges granted you by your Princes! If your ancestors have left you no better liberty, you have reason to lament the blood they spilt on

* This was the same reasoning used in 1742, with regard to the treaty of Soleure, made in 1579, by which they maintained it was expired, though it was declared perpetual in the act itself, which has never been abrogated by any other, and which has often been renewed, especially in the Act of Mediation.

that account. That extraordinary act, which, in making you Sovereigns deprives you of your freedom, in my opinion deserves very well to be recorded; and, to make it credible, it cannot be dignified with too great solemnity. Where then is this act of repeal? Certainly to establish a belief of the existence of so strange an instrument, they should begin with shewing it to the publick.

From all that has been said, it may be concluded with certainty, that in no case whatever the laws of Geneva give the Syndics, or any other Magistrate, the power of imprisoning private persons without restriction or limitation. But that signifies nothing. The Council, in their answer to the remonstrances, establish it as a law without reply. They would have it so, and they were immediately put in possession. Such is the advantage of a negative right.

I proposed, in this Letter, to shew, that the right of remonstrating was so intimately connected with your constitution, that it could not possibly be accounted imaginary or delusive, and that it being established in form by the edict of 1707, and confirmed by that of 1738, it must of necessity have an effect: that such effect had not been stipulated by the act of mediation, because it was not expressed in the edict; and the reason was, as well because it naturally resulted from the nature of the constitution, as because the same edict provided for its security in another manner: that this right, and the effect it ought to have, by giving firmness to all the rest, became the only and proper

equivalent to those rights, of which the bur-
 gesses had been deprived: that this equivalent,
 being sufficient to establish a proper ballance
 in the different orders of the state, mani-
 fested the wisdom of the regulation, which
 otherwise would have been the most iniquitous
 act we can possibly conceive: and lastly, that
 the obstacles raised against the exercise of
 that right, were either ill-grounded or of no
 manner of consequence, which had no ex-
 istence but in the malice of the proposers,
 and which were, by no means, a recompense
 for the dangers attending their assumed right to
 impose a negative. This, Sir, is what I have
 endeavoured to point out, and it is your part to
 determine how far I have succeeded.

LETTER

LETTER THE NINTH.

I THOUGHT it better, Sir, to establish the truth of what I had to offer, than to spend my time in long confutations of the arguments made use of by my adversaries. To enter into a tedious examination of the Letters from the Country, would be launching into a sea of sophistry. In my opinion, a bare discovery of their contents would be sufficient to refute them ; but they float in such deep water, and are so far sunk, that one runs a risque of being drowned, in attempting to bring them on shore.

As I proceed in my work, I cannot avoid casting an eye on that of this author ; and without analyzing those political subtilties with which he endeavours to captivate the understanding, I shall content myself with examining into his principles, and with pointing out some instances, wherein the fallacy of his reasoning will appear.

You have before seen their futility with respect to me : with respect to the commonwealth they may seem more alluring, but are by no means the more solid on that account. The true design of those Letters is to establish the pretended negative right, in the fullness of that power it has received from the usurpations of the Council. Every argument they advance tends only to that purpose ; either in a direct manner, by introducing a series of connections ; or indirectly, by

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imposing on the publick as to the real state of the question.

The imputations that have any reference to me, are laid in a direct manner. The Council has condemned me contrary to law. Remonstrances are immediately offered in my favour. To establish their negative right, they must first invalidate these remonstrances; to invalidate them, they must prove them ill-grounded: and to prove them ill-grounded, they must shew that I am guilty; but guilty only in so minute a point, that they must have stretched the law before they could have punished my crime.

How would these men have trembled at their first act of injustice, if they had foreseen the sad necessity they laid themselves under of repeating it, that they must continue villains all their lives for having been so for an instant, and that they must persecute, even to death, the wretch they have once persecuted!

The question, whether the Syndics have a right to preside in the Criminal Courts, is treated by this author in an indirect manner, by a stroke of address. Do you believe that the Council give themselves any concern, in reality, whether the Syndics or the Counsellors are Presidents, when they have taken care to establish the rights of the former, throughout all the orders of the state? The Syndics, I have said, being elected from the whole body of the people *, and having

* So much care was taken to prevent any exclusion or preference in the choice but in case of merit, that by an edict which has been abrogated, two Syndics were to be taken from the upper part of the town, and two from the lower.

FROM THE MOUNTAINS. 299

no superiority over the other magistrates, except in the Council, from being their Chiefs become their colleagues on all other occasions ; and you may plainly see, that your Syndics have no great reason for being jealous of an authority so transitory, as they find themselves to be but mere Counsellors in effect. But the Letter-writer has the art of handling this as a question of importance, in order to evade what is really so, to make you believe that your chief magistrates are always elected by you, and that their power is, in all cases, the same.

Let us quit, therefore, these needless questions, which the author had no great opinion of, from his manner of treating them, and be satisfied with examining the reasons he alledges in support of the negative right, to which he is principally attached, and on the admission or exclusion of which you are either free men or slaves.

He dextrously reduces a system to general rules, the weakness of which would be easily seen if he was to make an application always to particulars. To lead you from the main point, he flatters your vanity, by extending your prospect to matters of moment ; and whilst he treats them in a way above the comprehension of those he would seduce, he artfully gains their approbation, by seeming to consider them as statesmen. Thus he dazzles the people that he may the sooner blind them ; changing common affairs, which require only good sense, into philosophical theses, that demand the most intense speculation ; so that finding themselves incapable of either contradicting or understanding him, they dare not dispute, but acquiesce in his arguments.

300 LETTERS WRITTEN

To imitate his abstracted sophistry, would be falling into the same error with which I upbraid him. On the contrary, by the manner I treat these questions, I am certain of gaining my point, without the danger of being in the wrong : for he lays down so many first principles in his propositions, you can see them under so many forms, that there is always, on one side or other, an aspect as favourable as he could wish. When one writes politicks for all mankind at large, there is room to play the philosopher as much as one pleases. The author, unwilling to be read, and exposed to the criticism of any persons but those who have an universal knowledge, and are conversant in the subject he treats of, falls into abstractions and general terms, without fear. He never lays any stress on particulars, however necessary. If I was writing for you only, I might use the same method ; but the subject of these Letters concerns the publick in general, consisting, for the most part, of men, who have more of judgment and good sense, than of study and learning ; and being ignorant of the jargon of the schools, are the most proper to catch at truth, unadorned with any thing but its native simplicity. We should in that case distinguish between the interest of the author and that of his readers ; and he that would be more useful, must resolve to be less florid.

Another source of error and false application, is having notions of that negative right too loose and indeterminate; producing examples as proofs, that have little relation to the subject, and turning the minds of your fellow-citizens from their proper object, by the splendor of those that are presented

presented to their imagination ; exalting their pride above their reason, and telling them for their comfort, that they are not more slaves than the masters of the universe. They fathom the dark abyfs of time ; they lead you, in a haughty manner, to range through the uncertain mazes of antiquity ; they ostentatiously lay before you Athens, Sparta, Rome, Carthage ; and they throw the sand of Libya in your eyes, to prevent you from seeing what passes in your own neighbourhood.

Let them determine exactly, as I have endeavoured to do, what this negative right is, such as the Council pretends to exercise ; and I insist that there never was a government wherein the legislative, enslaved by the executive power, had the misfortune to see the laws, when resigned to its mercy, explained, eluded, and transgressed at pleasure, without being able to oppose that insolent abuse by any other means than useless murmurs and unavailing complaints.

You see how far your anonymous author is obliged to alter the nature of his question, that he may bring in his similitudes with less impropriety.

He says, in page 110. *The negative right not being qualified with the power of making laws, but only with that of preventing every person whatsoever from disturbing the legislative power, and not admitting innovations, but by its authority opposing all innovations, answers exactly the great end proposed by a political society, which is, to preserve itself in preserving the constitution.*

This is a reasonable negative right, and in the sense it is mentioned is in fact so essential a
part

part of a democratical constitution, that, in general it would be impossible it could be supported, if the legislative power were always liable to interruption by any of its members. You know instances may easily be had to confirm a principle so very evident.

But if this idea is not adequate to the negative right we are speaking of, if the whole passage affords not a word which is not a falsehood, by the application the author would make, you will admit that the proofs of the advantage of a negative right, of a nature intirely different, are not at all conclusive in favour of that he endeavours to establish.

The negative right exerts no power in making laws. That is true: but it has a power of approving or rejecting whatever is proposed to be enacted. And it is more convenient to have the power of erecting every act of its will into a particular law, than to be obliged to observe general laws, even where one had himself been their author. *But to prevent any person whatsoever from disturbing the legislative authority.* He ought rather to say, *But to prevent any person whatsoever from protecting the laws against the power that would trample them under foot.*

And not admitting of innovations, but, &c. . . . Why not? Who can oppose an innovator, who is armed with force, and who is not obliged to be accountable for his conduct? *But by its authority opposing all innovations.* We had better say, *The power that prevents opposing innovations.*

Here is the most cunning sophistry, and what recurs frequently in the piece I now examine. He that is possessed of the executive power, has

no

no necessity of innovating, by the commission of glaring acts. He has no occasion for confirming that innovation by any solemnity. It is enough if, in the constant exercise of his power, he has the address to make every thing bend and conform to his will, which never produces any violent sensation.

Those, on the contrary, who are quicksighted, and have a judgment sufficiently penetrating to remark that progress and prevent the consequence, have their choice of two methods, either to oppose the first innovation, which is but a trifle, and then they are represented as turbulent people, seeking to embroil their fellow citizens and always prepared for an occasion of quarrelling; or to make head against an abuse which gains strength, and then they are charged themselves with being innovators. I doubt, though your Magistrates were the aggressors, whether you could avoid either of these reproaches if you gave them any opposition. But I would advise you to give a preference to the first. Every time the Council makes a change in any established custom, it is with a view which nobody sees, and which it takes care to hide. In this doubtful matter, oppose every novelty that is introduced, great or small. If the Syndics always used themselves to enter the Council with their right foot, and afterwards chuse the left, I say they should be prevented.

We are here furnished with a sensible proof of the ease in concluding for and against, by the method our Author pursues: if you apply to the remonstrance of the citizens what he makes applicable to the negative right of the Councils,

cils, you will perceive that his general proposition suits better to your own application than to him. *The right of remonstrating*, you will say, *not being a legislative right, but only that of preventing the power that should execute the laws from transgressing them, and not conferring an authority of innovation, but of opposing all novelties whatever, is productive of the great end of a political society, that of preserving itself in taking care of its constitution.* Is not that exactly what the Remonstrants said for themselves; and may not we imagine the Author used this argument in their favour? Words ought never to deceive us with respect to ideas; the pretended negative right of the Council is, in fact, a positive right, and one of the most positive we can conceive, as it gives the petty Council an absolute authority over the state and laws; and the right of remonstrating is, in its strict and proper sense, but a negative right, as it only consists in preventing the executive power from exercising any authority contrary to law.

Let us take a view of the design of this Author in the proposition he lays down. By the addition of three words he would have exactly described your present state.

As liberty can never exist in any state where that part of the constitution, which is intrusted with the executive power, shall have the privilege of altering them to its fancy, because in that case it may execute, as laws, the most violent and tyrannical purposes.

Here is a lively representation drawn from nature, I am going to exhibit a mere picture of fancy that you may perceive the contrast.

There

There was never any government in a state where the people exercised the legislative power without some regulation. Very well; but who ever said the people should exercise such a power without a proper restriction?

The Author, therefore, having laid down a negative right, of a different nature from that which is the subject of our question, seems very anxious to know where that other negative right should be placed; which is foreign to the purpose, and of which I have made no mention; and establishes thereon a principle, which I shall not certainly dispute; that is, *if that negative power can be placed in the government without inconveniency, it ought, from the nature of things, to reside in the legislative body.* Then follow examples, to which I shall pay little attention, as they are not at all relative to, but intirely different from, the point in question.

The only instance he has offered that has any colour of verisimilitude, is that of England, which is undoubtedly a good model of the proper ballance of power in the respective orders that constitute the government in that kingdom; I shall take a view of this, and only, in imitation of my Author, use the liberty of comparing small things with great.

Notwithstanding the royal prerogative, which is very extensive, yet they are not afraid of trusting the King with this negative right; but as it cannot be separated from the legislative power but for a short space of time, and a rupture with the legislature being absolutely opposite to his interest, this negative voice is, in effect, but a means of restraining the legislative body, and keeping it within its due bounds;

bounds ; and the Prince, content with the exercise of an extensive power, which the constitution secures, will always find his interest in its preservation.*

This is, in every respect, however, quite distinct from our case ; for as the King of England is invested by the laws with so great an authority, in order to protect them, and has no power whatever of infringing them, he can compel nobody to obey his orders, every man will be more afraid of breaking the laws than the King's commands. Even his Ministers may lose their lives if they should disoblige the Parliament, who are the proper judges of their conduct. Every Englishman has the shelter of the laws, under which he may defy the regal power ; and the lowest of the people may claim the most ample reparation, if they are in the least instance offended. Suppose the King should dare to transgress the law in the slightest manner, the breach would be immediately repaired ; as he is without right, so he would find himself without the power of maintaining such an infraction.

In your constitution the petty Council is absolute in all respects : it is Minister and Prince, Party and Judge at the same time : it gives orders, and executes them : it cites, it seizes, judges, and punishes from its own authority : it has force at command to make its orders be obeyed : the persons it employs are not accountable for what they do, neither with regard to their own conduct, nor to that of the Council : it has nothing to fear from the legislature, which alone has a right of enquiry, and to which it

* Page 117.

will never be its own accuser: it is never obliged to repair its injuries; and all that the most innocent person whom it oppresses can hope for, is to come off safe and sound, but without satisfaction or indemnity.

You may form a judgment of the difference between both constitutions, by the consideration of some recent facts. There was a work printed at London, containing the most satyirical invectives against the ministers, the government, and even against the King himself. The printers were taken up; that arrest was contrary to law, the publick began to murmur, and there was a necessity of releasing them. But the matter did not end there; the printers called the magistracy to an account in their turn, and recovered prodigious damages and costs. Let us compare this with the case of Bardin, a bookseller at Geneva, to which I shall speak presently. Another instance was of a robbery committed in the city; a citizen is imprisoned without the least proof, on an idle suspicion, against law; his house is searched, and no indignity spared that could be offered to a malefactor; his innocence at last appears; he is released; he complains, without any redress, and all is over.

Suppose that at London I had the misfortune of displeasing the Court, and that, contrary to reason and justice, it had seized a book of mine, as a pretext to burn it, and condemn the author. I need only petition the Parliament, as being prosecuted contrary to law, and on proving my case, I should obtain the most publick reparation, and the Judge would certainly be punished,

punished, and perhaps be turned out of his employment.

Let us now imagine Mr. Wilkes at Geneva, talking, writing, printing, and publishing the fourth part of what he wrote and published at London, against the petty Council. I will not say positively they would put him to death, though I am of that opinion; but it is certain he would be seized instantly, and suffer a most grievous punishment, in a very short time *.

You will say, Mr. Wilkes was a member of the legislative body in his own country. And pray, was I not the same in mine? It is true, the author of the Letters pays no regard to the quality of citizen. *The rules of the procedure*, says he, *should be the same with respect to all men; they flow not from any right in the city, but from the laws of humanity* †.

Happily for you, the fact is not so ‡; and as to the maxim, it conceals, under very fine

* The law being found insufficient to punish Mr. Wilkes, for his political writings, it was necessary to use other methods, and accordingly they made use of Religion, as a pretext for carrying on a farther prosecution.

† Page 54.

‡ The right of favour, in certain cases, belongs only to citizens and burghers, by virtue of the edict; but by their mediation it was extended to natives and inhabitants, who being engaged in the same common cause, had need of the same precautions for their security: strangers are excluded. They are also sensible, that the assistance of four relations, or friends, as a prevention in a criminal process, is not of any great use to the latter; it is owing to these that the magistrate has interest sufficient to destroy, and to whom the law gives their natural enemy, as a judge. It is even surprising,

words, a most execrable sophism. The interest of the magistrate, which in your state is often opposite to that of the citizen, but never in the case of a stranger, requires very great caution, lest the accused be unjustly condemned. This distinction is verified by facts. There is not, perhaps, a single instance where a stranger has been punished with injustice, since the commencement of the Republic: And how many acts of atrocious violence against the citizens will be found in your annals? It is true, that the necessary precautions for their security, may extend, without inconvenience, to all acts of prevention; as their intent is not to save the guilty, but to protect the innocent: for that reason, the thirtieth article of the Regulation makes no exception of persons, though it is of no great advantage to the Genevans, as things are managed.

surprising, that, after so many dreadful instances, the citizens, have not taken more care of their own safety, as to leave the whole affair relating to criminal matters at large, without being guarded by edicts or laws, and almost resigned to the discretionary power of the Council. But there is one good act, for which the Genevans, and all just men, should be thankful to the Mediators, and that is, the abolition of the Question, or Torture, *in preparatorio*. I have had always a malicious smile, when I see so many fine books wrote in compliment to European humanity, in those very countries where mens limbs are broken and dis-jointed for amusement, while they wait to see whether they are guilty, or not. I have always regarded the Torture, as a means employed by those in power, to lay on the weak the imputation of crimes which they have a mind to punish.

But

But to return to our comparison of the negative right, as it exists among you, with that exercised in England. That of the King of England consists of two parts, viz. the sole power of convoking or dissolving the legislative body, and that of rejecting the laws it proposes: But it consists not in preventing the legislative power from knowing and rectifying those infractions it might make with respect to the laws themselves.

On the other hand, that negative right is well qualified by the triennial law*, which obliges them to call a new Parliament at a certain time limited; and moreover, by an inherent necessity, whereby it is almost always assembled†: and lastly, by the negative right of the House of Commons, which is not a jot less powerful than its own.

It is qualified by the authority which each House has over itself, being assembled, whether in proposing, discussing, or examining into the laws, and all matters relating to government; or whether by that branch of the executive power that is lodged in them, jointly and severally, as well in the House of Commons, which takes cognizance of publick grievances and all attempts against the laws, as in the House of Lords, who are supreme judges in criminal affairs, and chiefly such as are offences against the state.

* Now septennial, by a fault, the English will ever have cause to repent.

† As the Parliament grants the subsidies but for one year, the King is obliged to demand them every year, of his Parliament.

Such,

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Such, Sir, is the negative right exercised by the King of England ; and if your Magistrates claim no other, I advise you not to dispute with them about it. But I cannot see, in your situation, what business they have with a legislative power, nor what can oblige them to assemble it, for any useful purpose, in any case whatever ; since new laws are unnecessary for gentlemen who place themselves above all law. A government which subsists by its own revenues, and is not engaged in war, has no need of fresh taxes, and which, by investing the whole body with that power, of which the principals are deprived, renders the choice of those principals a matter of indifference.

I do not see what restraint could be laid on them by the legislature, which exists but for a moment, and are incapable of determining any point, but that on which they are consulted.

It is true, the King of England has the power of making peace and war ; but as that power is rather imaginary than real, at least as far as concerns war, I have pointed out already, in the Social Contract, that such is not the affair wherein you are engaged, and that you must absolutely renounce all honorary rights, when the enjoyment of liberty is the question. I admit, that the King can confer, and take away all employments, as shall be most agreeable to his views, and corrupt the legislature, by degrees. That is exactly the point which turns the scale, to the advantage of the Council, who have little occasion for such methods, and who enslave you at a cheaper rate. Corruption is an abuse of liberty, but it proves the existence of liberty ;
for

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for it is useless to corrupt those who are already in our power, and whom we can employ in what business we please. As to places, without mentioning those which are disposed of, either by the Council, or by that of the Two-hundred, it is much to the advantage of men of the greatest consequence amongst themselves, they are filled up, but of one's own body, which is still more for their interest; for one is always surer of what is done by their own hands, than of that which we intrust to the care of others. The English history abounds with proofs of the resistance made by the Officers of the Crown against their Princes, whenever they were inclined to transgress the laws. See if you can find instances of such resistance against the Council, made by the Officers of the State, even on the most detestable occasions? Whoever is in the pay of the Republick, is no longer a citizen of Geneva. He is but a slave, and a follower of the Twenty-five, ready to trample under foot his country and the laws, whenever they shall command him. So that the law of England, which takes from the King all power of doing hurt, invests him with a very great one of doing good. But it doth not appear to be on this account that the Council are so very jealous of extending theirs.

The Kings of England, assured of their own extensive privileges, find it their interest to preserve the constitution, because they despair of any alteration. Your Magistrates, on the contrary, sure of making the forms of your constitution subservient to their ends of changing it entirely, are interested in preserving these forms,

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as the instruments of their usurpation. They have now arrived at their *ne plus ultra* of encroachment on the liberties of their country, by the dangerous step they have taken. They might very well say, they were more interested in preserving the constitution, than the King of England, but through a motive widely different. Behold the parallel I have drawn between the constitutions of the two countries, and this is all the similitude I can find in the comparison of their respective governments. I leave you to judge to which side the ballance of liberty inclines, after this comparison.

The author, who delights in pompous examples, gives us that of ancient Rome. He reproaches, with bitterness, her turbulent and seditious Tribunes; he deplores the unhappy fate of that city, under their boisterous administration; which, however, from being a petty state before the establishment of those magistrates, experienced five hundred years of glory and prosperous success under their government, and became the Capital of the world. At last she fell, because every thing that is temporal must have an end. Her destruction was owing to the usurpations of the Nobility, the Consuls, and Generals; who invaded her liberties. She expired through the excess of her own greatness, which she arrived at only by the perfection of her government. In that sense, it may be said, she was destroyed by her Tribunes*.

* The Tribunes never went out of the city, and had no authority without the walls; so the Consuls, the more effectually to draw them from their inspection of publick affairs, sometimes held their Assemblies

Upon the whole, I excuse not the errors of the Roman people, and I have said the same in the Social Compact. I blame them for having usurped the executive power, of which they were only the guardians *. I have shewed on what principles the Tribunate ought to have

blies in the country. Now the fetters of Rome were not forged in the city, but in her armies, and she lost her liberties by the greatness of her victories. That loss, therefore, proceeded not from the seditious intrigues of her Tribunes.

It is true, Cesar made them subservient to his ambition, and used them in the same manner as Sylla had done the Senate. Each took the most likely methods to obtain his ends. But as somebody must have succeeded, of what importance was it, whether the lot fell to Marius, or Sylla? What did it signify, whether Cesar or Pompey, Octavius or Antony, was to be the usurper? There would have been a usurpation of power inevitably from one side or other; armies at a distance must have had commanders, and it was impossible but one or other of these generals would make himself master of the state. The Tribunate contributed nothing, therefore, to this revolution.

In fine, the same prancing which the author of the Letters set out with, in relation to the Tribunes, was made in 1715, by M. de Chapeaurouge, Counsellor of State, in his Memorial against the office of Proctorgeneral. M. Louis le Fort, who filled that employment with honour to himself, shewed him, in an elegant letter, in answer to his memorial, that the credit and authority of the Tribunes had been the safety of the commonwealth, and that its ruin did not proceed from them, but from the Consuls. Certainly, M. Le Fort little thought by whom this opinion would have been revived in our days, which he had so well refuted.

* See the Social Compact, book i. chap. 5. I believe there may be found in this chapter, which is a short one, some good maxims on this subject.

been

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been established, the bounds that should have confined it, and how this might have been performed. These rules were very ill observed at Rome; yet you see what great actions were done under the Tribunate, with all its abuses. What would it not have executed, if it had been directed by a proper regulation? I can find nothing here conformable to the sentiments of this author, and to draw a conclusion against him, I should have chosen the same example.

But there is no necessity for these far-fetched, though illustrious instances; so haughtily invidious in themselves, and so apt to deceive us in the application. Let us not forge our own chains, by drawing parallels so flattering to our vanity. Too contemptible for comparison, be satisfied, and blind not yourselves by reflecting on your own importance. The people of antiquity are not proper models of modern policy. The difference is great in all respects. But above all, Do you people of Geneva keep yourselves within your own sphere, and mind not those elevated objects that are set before your eyes in order to dazzle, and conceal from you the dark pit that is digging for you. You are neither Romans nor Spartans; you are not even Athenians. Forget those illustrious names, which are very unsuitable to your state, territory, or power. You are but merchants, mechanicks, burghers, always busied about your private interest and concerns, your labour, and the means of providing for the necessities of life. People, to whom liberty itself can contribute nothing more than an assurance of gaining them

them without impediment, and possessing them without molestation.

This situation requires other maxims. As you lead more active lives than the people of antiquity, you have not the same leisure for a particular application to the art of government. But even in case you were to take the pains of watching over the constitution, it would be necessary it should be constructed in a manner more suitable to your capacities, where you might perceive the different operations, and provide against the abuses. Every office you are obliged to undertake for the publick service, should be rendered so much the more easy to discharge, as it is a trouble which puts you to expence, and in which you do not engage as volunteers; for to desire an intire manumission from every burden, is to wish to be no longer free. We must take our choice, said the beneficent philosopher, and let those who are not able to bear the fatigue, seek their ease in retirement and servitude.

A restless, idle, and factious people, who, for want of particular employment, are always ready to meddle in affairs, ought, doubtless, to be restrained. But, once more, Are the people of Geneva such? Nothing can be more opposite. They are their very antipodes. Your citizens, quite immersed in their occupations and domestick cares, and besides, of no enterprizing dispositions, never dream of the publick interest but when their own is attacked. Too careless to enquire into the conduct of their Chiefs, they see not the chains that are prepared for them, till they feel their weight. Always fixed
on

on other objects, they suffer themselves to be imposed on in matters of greatest moment, and are ever in search for the remedy, because they are incapable of preventing the evil. By endeavouring to gain their point, they are always too late for success. They would have been often destroyed by their lethargick slowness, if the impetuosity of the magistrate had not roused them; and even when the same oppressive power has been exerted, to which the magistracy so much aspire, they were never apprised of the danger.

Look into the history of your government, and you will see the Council eager in its pursuits, and often disappointed by making too much haste to accomplish them, and the Burgeses retracting an affair which they suffered to be done without the least opposition.

In 1570 the State was loaded with debts, and laboured under many calamities. As it was very inconvenient at this time to assemble the General Council, it was proposed to give authority to the Councils to provide for the present necessities, which was agreed to. From thence they arrogated the power of levying taxes, and for more than a century they have been permitted to lay imposts on the people without any opposition.

In 1714 they projected, for some secret ends*, the monstrous and ridiculous design of adding fortifications to the city, without the advice of the General Council, and contrary to the express words of the Edicts. In consequence of this fine undertaking, they established taxes for

* This has been spoken of before.

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ten years, without any subsequent act to confirm what they had done. Some complaints arose, they despised them, yet all was silent.

In 1725 the term of the imposts expired. The question was to prolong them. This was the lazy minute of the Burgesses, though so necessary to reclaim their long neglected right. But the plague being at Marseilles, and the Royal Bank having their trade, every one, concerned for his private fortune, disregarded the dangers to which his liberty was exposed. The Council, ever attentive to its interest, obtained a renewal of the taxes in the Council of Two-hundred, with the participation of the General Council.

When the second term expired, the Citizens opened their eyes, and reclaimed their right all at once, after a lethargic inattention for an hundred and sixty years. But the magistracy, instead of temporizing, or giving up the point, entered into a conspiracy. The plot was discovered *, the burghers were obliged to arm themselves, and by this desperate attempt the Council lost, in one instant, an age of usurpation.

* The design was, to form a kind of citadel round the eminence on which the Town-house stands, and thereby to inflame the people. The timber prepared for the work, a plan of dispositions for garrisoning it, the orders given in consequence to the Captains of the garrison, the conveyance of ammunition and arms from the arsenal to the town-house, the spiking of twenty-two pieces of cannon in a distant fortress, the clandestine removal of several others, in a word, all the preparations for the most violent enterprize, carried on without the knowledge of the Councils, by the Syndic

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Scarce was every thing seemingly pacified, but not being pleased with their defeat, they formed a new conspiracy. The Burgesſes ran again to their arms, the neighbouring powers interpoſed their good offices, and their mutual rights were finally ſettled.

In 1650 the inferior Councils introduced into their body a method of collecting the votes; better, indeed, than the ancient cuſtom, but not conformable to the Edicts. They ſtill continue in the General Council to follow the eſtabliſhed rule, into which many abuſes are crept, and this has laſted upwards of fifty years before the citizens thought either of complaining of the innovation, or demanding to have the ſame eſtabliſhed in that Council, of which they are members. They at laſt demanded it, and, what is incredible, they were coolly oppoſed by a quotation of the ſame edict, which the magiſtrates themſelves have violated for above fifty years.

In 1707 a citizen was tried in a clandeſtine manner, contrary to law, condemned, and afterwards ſhot in the priſon; another was hanged, on the ſole teſtimony of a falſe witneſs,

Syndic of the Guard, and other magiſtrates, were not ſufficient, when diſcovered, to obtain any proceedings againſt the guilty, nor even to occasion an improvement of the project. And yet the Burgeſſes, being maſters of the place, let them peaceably depart without diſturbſing their retreat, ſhewing them the leaſt inſult, entering their houſes, diſquieting their families, or taking any thing that belonged to them. In any other country, the people would have begun with maſſacring the conſpirators, and pillaging their houſes.

known to be such; another found dead. All this passed unheeded, and never was once spoken of till 1734, when somebody took it in their heads to enquire of the magistrate, what was become of the citizen that had been shot in prison, thirty years before?

In 1736 they established Criminal Courts without Syndics. In the midst of the distractions which prevailed at that time, the citizens were too much taken up with their own affairs to have an eye to every thing at once. In 1758 they repeat the same stroke of policy: those who were affected by this complaint are silenced by authority, and all is over. They renewed, in 1762, the same proceedings*. The citizens again complain the year after; the Council answered, You come too late, the custom is already established.

* This was a state inquisition, enough to make one shudder. Can it be imagined that, in a country of liberty, they can punish a citizen as a criminal, for only having written a letter to another citizen, in decent terms, with respect to the conduct of the magistrate, in the case of a third citizen? Do you find such instances in the most arbitrary governments? At the time of M. de Silhouette's retreat, I wrote him a letter, which spread all over Paris. This was a piece of boldness, for which I was certainly to blame, and is perhaps the only reprehensible thing I ever wrote: yet they never took notice of it. They punish libels in France, they do very right: but they permit private persons to reason on publick affairs, provided it is done without bitterness, or invective. After my long affection to a republican government, must I now, in my old age, change my sentiments, and find more liberty in a monarchy than in our Republicks?

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In June 1762, a citizen, who had incurred the displeasure of the Council, was dishonoured by a censure on his writings, and himself personally condemned, contrary to a solemn edict. His friends, astonished, demand, by a petition, to have the sentence communicated, which was refused, and all was silent. A year after this affair, the dishonoured citizen, seeing that no protest was entered in his favour, resigned his freedom of the city. The burghers, at last, complained against the violence, but it was too late.

A more remarkable affair was that of the *Sieur Bardin*, though of a trifling nature. A bookseller sends his correspondent the copies of a book just published. Before the arrival of the copies, the book is ordered to be suppressed. The bookseller goes to the magistrate, shews his commission, and desires to know how he shall act: the magistrate orders him to acquaint him as soon as they arrive; they come, he acquaints the magistrate, the books are seized, he waits, either to have them returned, or the value; the books are detained, without giving any satisfaction. He presents a petition, praying that the books may be sent back, given to himself, or payed for. All is refused, the man lost his books, and these are the persons appointed to punish robbery, who have committed it themselves in this instance.

If we consider this matter, with all its circumstances, I doubt if we can find such another case in any Parliament, Senate, Council, or in any Divan or Tribunal whatever. If they had intended to have stabbed property without

reason or colour, even in its vitals, they could not have taken a more open and barefaced method. Yet the affair is over, every body is silent, and if it had not some grievances of a serious nature, it would never have been mentioned. How many other affairs have been smothered, for want of opportunities of bringing them in evidence?

If the example I have quoted seems too trifling, I shall give another of a different nature. A little attention, Sir, if you please, and I shall spare all that might be added to the account.

At a Council held the 20th of November, 1763, for the election of a Lieutenant and Treasurer, the citizens took notice of a difference between the printed edict they had themselves, and one in writing, which was read by a Secretary of State. In the first, the election of a Treasurer should be made at the same time with that of the Syndics, and by the second, together with the Lieutenant. They remarked besides, that the edict enjoins that the Treasurer should be elected every three years; yet by the custom they had established, he was continued for six, and at the expiration of three years they only confirmed the election of him that was in office.

This diversity in the text of the law, with respect to the printed edict and that in manuscript, read by the Secretary, which had not been observed before, gave an occasion of taking notice of others, which made them uneasy for the rest of the edicts. Notwithstanding the frequent experience of the citizens, of
the

the little attention paid to their remonstrances, however just, they renewed them on this occasion, requiring that the original text of the edicts should be deposited in the Chancery, or in some other place of record, at the choice of the Council, where they might have an opportunity of comparing that text with the printed copy.

You may recollect, Sir, that in the forty-second article of the edict of 1738, it was ordered, that a general code of the laws of the state should be printed with expedition, which should contain all the edicts and regulations: for twenty-six years that has laid dormant; nor have the citizens thought proper to take notice of so extraordinary an omission during that period*.

You may also remember that in a memorial printed in 1745, an exiled member of the Council of Two-hundred, gave strong intimations of want of veracity in the edicts printed in 1713, and reprinted in 1735, as equally liable to be suspected of collusion. He said, he had

* What excuse, or apology, could be made, to screen the omission of so important and peremptory an order? I cannot, for my part, conceive. When one mentions the subject in conversation, to any of the magistrates, they answer coldly, *every particular edict is printed, you may collect them.* As if one could be certain that all were printed, or as if a collection of these scraps could form a compleat body of laws. A general Code, authenticated in the manner prescribed by the 42d Article. Is it thus these gentlemen fulfil an engagement of so solemn a nature? What dangerous consequences may not proceed from such intended omissions?

compared the printed with the manuscript edicts, in which he found a multitude of errors, which he noted; and he mentions the particular words of an edict in 1556, which are intirely omitted in the printed copy. The Council gave no answer to these heavy imputations, and the citizens have held their peace ever since.

Suppose if you will that the dignity of the Council would not permit their making a reply immediately to the imputations of an exiled member; yet that very dignity, the reflection cast on their honour, and the suspicion of their probity, required a justification equivalent to the charge, which these proofs made necessary, and which the injured publick had a right to obtain.

But no acknowledgment or justification ever appeared. The petty Council alledged, that they had a right to make the alteration in the edict beforementioned, by virtue of an ancient custom, which, as the general Council did not oppose at the beginning, they had no power afterwards of restraining.

It accounts for the difference between the manuscript in the hands of the Council and the printed copy, by making that manuscript a collection of edicts, with the changes introduced by practice, and assented to by the silence of the general Council; and the printed copy but a collection of the same edicts, exactly as they passed in the general Council, without any alteration.

It justifies the confirmation of the Treasurer, contrary to the edict, which ordains, that another should be elected at the end of three years, by again alledging an ancient custom. The citizens cannot complain of an
infraction

infraction of any edict, which the Council doth not justify by retorting a prior infraction on the citizens: they can never present a remonstrance which it doth not reject, always reproaching them with being too late in their application.

As to the remonstrance, which requested a communication of the original text of the laws, it was absolutely rejected *, as being contrary to the rules, or because the citizens and burghers ought to know no other text of the laws but what was in the printed copy, although the petty Council makes use of another,

* These refusals, so cruel and peremptory, of the most reasonable and just requests, appear very unnatural. Is it credible that the Council of Geneva, composed, for the most part, of judicious and sensible men, should not have perceived how detestable and even terrifying it must be, to reject the complaints of freemen, members of their legislature, and refuse them a communication of the original text of the laws, and by that means foment the suspicions raised by that air of mystery and darkness, with which it is always veiled from their eyes. For my part, I am inclined to think these refusals irksome to them; but they have made a rule, in order to discourage the use of Remonstrances, by returning negative answers. Can it really be presumed, that the most patient people on earth will not be wearied with still asking what they can never obtain, and which is constantly refused them? Besides, consider the motion made before, in the Council of Two-hundred. to have informations ready against the authors of the last Remonstrances, for only using a right the law gave them. Who, therefore, would expose himself to a prosecution, for taking a step that he knows, before hand, will be unsuccessful? If that be the plan adopted by the petty Council, it must be confessed, they are indefatigable in pursuing it.

which

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which it has also introduced into the general Council *.

It is, therefore, against their rules, that one who has passed an act, should have a sight of the original of that act, lest the variation in the copies should make him suspect error or falsification ; but is it not contrary to the rule, that there should be two different texts of the same law, one for the people, and another for the government ! Have you ever heard any thing like it ? And yet, with all these late discoveries and disgusting refusals, the citizens, cheated out of their legal demands, are silent, and remain in patient tranquillity.

These, Sir, are facts of notoriety in your city, and which you know much better than I can pretend ; I could add many other instances besides what have escaped my memory. These will suffice to form a judgment, whether the burghesses of Geneva ever were, I do not say turbulent and seditious, but even vigilant, attentive to their interests, or easily moved to defend their rights and privileges, the best established and the most openly invaded.

We are told, *that an alert and ingenious people, who have a great capacity for politics, and who are constantly employed in taking care of their constitutional rights, should necessarily confer a negative power on their rulers*†. To explain this negative power, we must agree on some certain

* Extract from the Registers of the Council, of 7th December, 1763; in answer to the verbal Representation made on the 21st of November, by six citizens, or burghers.

† Page 120.

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principle; but is the application properly suited to you. Have they forgot the character they have elsewhere given of you, as having more indolence by nature than other nations *? And how can they say that the people of Geneva are much concerned for their political rights, when it is plain they never stir till it is too late, with great reluctance, and only in cases of the most imminent danger.

So that by forbearing to attack the rights of the burgeses with so much violence, it would always depend on the Council, to prevent their contesting for the future.

Let us draw a comparison between the two parties, in order to form a judgment, which is most dangerous from its activity, and where the negative right should be placed to temper that activity.

On the one hand, I find a people not very numerous, of a peaceable and indolent disposition, laborious, lovers of gain, submissive, for their own interests, to the laws and magistrates, intirely taken up with their trades and business; all equal as to their rights, and not much distinguished by difference of fortune, having amongst them neither chiefs nor dependents; all held by their commerce, by their condition, by their fortune, in great dependence on their magistrates, whom they must take care to oblige; all afraid of giving them offence; if ever they mind publick affairs, it is always to their prejudice. Engaged, on one hand, by their more interesting family concerns; on the other, prevented by considerations of prudence,

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by repeated experience, which convinces them that in a small state like yours, where every thing is perpetually observed by the Council, it must be dangerous to offend them ; they are compelled, by the most forcible reasons, to sacrifice every thing to peace, for by that only they can hope to succeed ; and in this situation of affairs, every one, engaged by his own interest, would choose rather to be protected than free, and makes his court, in order to make his fortune.

I find, on the other hand, in a small city, whose affairs at bottom are not of much consequence, a body of magistrates perpetual and independent, very much at leisure by their situation in life, still occupied in an interest of greatest moment, and very natural to persons in command, which is to aggrandize their empire ; for ambition, like avarice, is nourished by its opportunities of advantage ; and the more extensive their power, the more they are devoured by an insatiable thirst of being greater. Always attentive to remark the insensible distance between themselves and their equals in birth, they look on them as inferiors, and long earnestly to make them subjects. Armed with the whole force of the state, depository of all authority, their body is the sole interpreter and dispenser of those laws that confine it ; it is provided with such arms, offensive and defensive, as render it formidable and respectable to all that would offer to insult it. It transgresses the law, even in the name of the law, with impunity ; it has the power of attacking the constitution, by feigning to defend it ; and it

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can treat as a rebel, whoever dare defend it in reality. All the enterprizes of such a body become easy ; it never gives any person a right of either knowing, or preventing its designs ; it can act, defer, or suspend ; it can seduce, terrify, and punish all who oppose it ; and if it ever condescends to make use of pretences, that is more for decency than necessity. It has, therefore, the will to extend its power, and the means of arriving at the end of its desires. Such is the relative state of the petty Council, and the Burgeses of Geneva. Which ought to have the negative right to curb the ambition of the other ? The author of the Letters affirms it to be the former.

In most governments their intestine troubles proceed from an ignorant and brutish populace, heated by insupportable grievances, secretly conspiring by means of dextrous incendiaries, invested with the appearance of some authority they would endeavour to extend. But can any thing be more false than such an application to the Burghers of Geneva ? at least with respect to arming themselves for the defence of the laws. At all times, that has been the practice of the middle rank, between the rich and poor, between the principals of the state and the populace. That order, composed of persons near equal in fortune, in condition, and understanding, is neither so high as to form pretensions, nor so low as to have nothing to lose. Their great and common interest is, to see that the laws be observed, the magistrates respected, that the constitution be supported, and the state in tranquillity. No person

person of that order possesses such superiority over the rest, as to have it in his power to sport with the rest, for his private interest. This is the soundest part of the commonwealth, and the only one whose conduct, we may be certain, proposes nothing for its object but the good of the whole. Thus we may always observe, in their ordinary proceedings, a decency, a moderation, and a becoming fortitude, a certain air of gravity, which they receive from a consciousness of being in the right, and which retains them in their duty. Behold, on the contrary, how the other part of the people are supported; people who abound in wealth on the one hand, and the most abject and low on the other. Is it in these extremes, where the one doth his utmost to buy, and the other to sell himself; that we are to expect the love of justice and the laws? They are the causes of the state's degeneracy. The rich have the law in their pockets, and the poor chuse bread rather than liberty. It is sufficient to compare these opposite orders, to form a judgment which of them would make the first attack on the constitution. Look into your history, and you will find, whether all conspiracies have not taken their rise from the magistracy; and whether the citizens had ever recourse to violence, but when it was absolutely necessary for their own preservation?

No doubt they railly you, when, in consequence of the right claimed by your fellow-citizens, they represent the state as a prey to cabal, seduction, and the first comer. The negative right, assumed by the Council, was unknown

known till now. What evils hath it not produced? Dreadful would have been the consequence if it had obstinately insisted on that right, when the burgessees so well supported theirs. Retort their own argument, which they draw from two hundred years of prosperity: What can they answer? This government, you may say, firmly established by time, supported by so many titles, authorized by so long a prescription, rendered venerable by its successes, and in which the Council's negative right was altogether unknown, is it not preferable to our once arbitrary government, of which we still know not either the properties, or what analogy it bore to our happiness, and wherein our reason could point out nothing but the weight of our miseries?

To suppose that all the abuses proceed from the adverse party, and that they themselves have none, is a very mean and trite piece of sophistry, of which every sensible person should be aware. We ought to suppose that abuses are common to both, as they imperceptibly insinuate themselves every where. But that is not saying that their consequences are the same. Every abuse is an evil, often unavoidable, and for which it would not be always proper to administer a remedy. But compare them, and you will find them on one side, certain and terrible evils, without bounds and without end; on the other side, the abuse, though really hard to be borne, yet, if it be very great, will often pass over, and is of such a nature, as that, if there be opportunity, it always brings its remedy. For, once more I say,

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say, there is no possibility of enjoying liberty, but by the observation of the laws, or the general consent of the community to which we belong; and it is no more the inclination of the general consent to hurt us, than it is in our will to injure ourselves. But suppose the abuse of liberty to be as natural as the abuse of power, yet there will always be this difference between them, that the abuse of liberty turns to the prejudice of him that abuses it, and the punishment he feels from the wrong he has done to himself, compells him to seek a remedy; so the disorder in that case is but a crisis, which is not permanent: on the other hand, the abuse of power not turning to the prejudice of the powerful, but of the weak, is by its very nature without measure, restraint, or limits; and never ends, but in the destruction of him alone who feels its oppression. Let us admit, that the government should be administered by a few, but the inspection of that government belongs to many; and if the abuse is inevitable on all sides, it is much more reasonable the people should be miserable thro' their own fault, than that they should be undone by the hands of another.

The first and greatest publick interest is justice. All would wish the conditions equal for all, and justice is nothing but that equality. The citizen wants only the laws and the observance of them. Each individual among the people very well knows, that if there be any exceptions, they will not be made in his favour: so that every one is afraid of the exceptions; and he that fears the exceptions re-
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gards the law. Among the principals the case is different; even their condition gives a preference, and they look every where for it *. If they would have laws, it is not to obey, but to dispense them. They would have laws, to put themselves in their stead, and to make themselves feared in their name. Every thing favours them in this project. They use the rights that belong to them, to usurp, without danger, those that do not. As they always speak in the name of the law, even when they transgress it most, whoever dare take its part against them, is a sower of sedition and a rebel; he deserves death: and as to them, still certain of acting, in all their enterprizes, with impunity, the worst that can happen is a disappointment. If they have need of support, they find it every where. The powerful have a natural alliance with each other; and the weakness of the poor consists in not having the advantage of such a combination. Thus it is the lot of the people to have always interested parties for judges. Happy, if they can find them sufficiently equitable to protect them, contrary to their own maxims, contrary to that

* Justice in the people, is a virtue of the state; oppression and tyranny in the Chiefs, is a vice also of the state. If we that are but private persons, were in their situation, we should become, like them, violent and unjust usurpers. When, therefore, magistrates preach up their integrity, their moderation, and their justice, they deceive us, if by that means they would gain a confidence which we do not owe them: Not but that they may be endowed personally with the virtues they so much boast: But then they make an exception, which is what the law ought not to regard.

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sentiment, so deeply engraved on the human heart, to love and favour those interests that have a resemblance to our own. You have once experienced that advantage, which was more than you had reason to hope. When the Mediation was received, they believed you undone: but you were happy in having defenders of sense and fortitude, honest and generous Mediators: you saw the triumph of justice and truth. Could you reasonably expect to be happy twice? You have enjoyed a scarce and valuable blessing; and at which your oppressors are not a little alarmed.

Having laid before you all the imaginary evils of a right as ancient as your constitution, and which has never been productive of any ill consequence, they palliate, they deny the mischiefs of the upstart right they usurp, and which are sensibly felt at this time. Obligated to confess that the government may abuse that negative right, even to the most intolerable tyranny, they insist that that which is come to pass will never happen, and without any colour change what is every day open to your inspection, into a bare possibility. Nobody will, nobody dare say, that the government is not mild and equitable: and observe, that this was mentioned in the answer to the remonstrances, wherein they complained of the acts of violence and injustice committed by the government. This is what might be called a fine style: it is like the eloquence of Pericles, who, being thrown by Thucydides at wrestling, attempted to prove to the spectators, that it was himself who had overthrown the other.

Thus

Thus by getting possession of other people's property, without any pretext whatever, by imprisoning the innocent without cause, by dishonouring a citizen without giving an opportunity of justifying himself, by condemning another contrary to law, by protecting obscene books, and burning those that inculcate virtue and liberty, by persecuting the authors, by concealing the genuine text of the law, by refusing the people the most reasonable satisfaction, by exercising the most absolute and severe despotism, by destroying that liberty they ought to protect, by cruelly oppressing their country, to which they should be nursing fathers; these gentlemen compliment themselves on the extraordinary justice of their determinations; they are in raptures on the mildness of their government, and confidently declare, that every body is of their opinion in that point. Yet I very much doubt whether you are of that mind, and am at least certain it is not that of the Remonstrants.

Let not my own private interest render me guilty of injustice. It is, of all our foibles, that against which I am most guarded, and which I hope I have the most strenuously resisted. Your magistrates act with probity in matters of indifference, and I believe they are always so inclined; their employments are not very lucrative; in their dispensation of justice they are not venal; they are possessed of personal integrity, are disinterested, and I am sensible that virtue and uprightness are still to be found in that despotic Council. In pointing out the consequences of the negative right, I have told you
less

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less what they will do when become sovereigns, than what they will continue to do, in order to be so. Once recognized as such, it will always be for their interest, to practice equity and moderation, and it is now their interest to be so, as much as possible! but woe be to him who has recourse to the laws, to claim his liberty! All injustice becomes lawful against those who are so unhappy as to demand their right. Virtue, equity, and even interest, are of no force, against the thirst of dominion, and he that would be just if he were once master, will never omit any act of injustice, in order to become so.

The true way to tyranny is not to make any direct attacks on the public good; that would be to raise every body in its defence; but to ruin its most zealous advocates one after another, and intimidate whoever dare shew any inclination to be so. Make every one believe that the publick interest is not that of any individual, and slavery is directly established; for when each person shall pass under the yoke, where is then the general liberty? If he who durst open his mouth is immediately ruined, who will be so rash as to follow his example? And who shall be the speaker of the publick, when each individual is silent? The government, in that case, will be severe against the friends of liberty, and treat others with justice and humanity, until it shall be in a capacity to be unjust to all, with impunity. So that the justice it employs is but an œconomy in saving that, which to dissipate would answer no purpose whatever.

There

There is, therefore, one sense in which the Council may be just, and in which it ought to be so by interest. But there is another sense, in which it pursues the system of being most egregiously unjust. You may be convinced, from many instances, how insufficient the protection of the laws is against the displeasure of the magistrate. What will be the consequence when it shall once become absolute by virtue of the negative right, and will then be no more restrained in its measures, and find no farther obstacles to the gratification of its passions? In so small a state as ours, where nobody can conceal themselves in the crowd, will not every person then live in constant fear, and will he not be sensible, all his life, of the misery of being tyrannized over by his equals. In a large community, the individuals are at too great a distance from the Prince and the Nobility, to be under their inspection; their insignificance protects them, and if the people pay their taxes, no one molests them. But as for you, the least motion makes you feel the weight of your chains. The relations, friends, creatures, and spies of your rulers will be more your masters than they; you neither dare defend your rights, nor claim your property, lest you should incur their displeasure, and create yourselves enemies: the most obscure retreat cannot conceal you from the eye of tyranny; you must be either its follower or its victim. You will find at once a political and civil slavery; you can scarce breathe in liberty. Behold, Sir, to what a miserable condition this negative right will naturally bring you, in the man-

ner it is arrogated by the Council. I believe, indeed, it would not make so dreadful a use of it, but I am sure it might; and the mere certainty of its being capable of injustice with impunity, would be productive of as many evils as if it were so in reality.

I have now set before you the state of your constitution, such as it appears to me, which, taken altogether, may be considered as sound, and by assigning the proper bounds to liberty, it gives it, at the same time, a firm establishment. For as the government has a negative right against the innovations of the legislature, and the people a negative right against the usurpations of the Council, the laws govern throughout the whole: the first man in the state must obey as well as the lowest; nothing is capable of infringing them, no particular interest can change them, and the constitution remains unshaken.

But if, on the contrary, the executors of the law should become its sole arbiters, and make them speak or be silent at their pleasure; if the right of remonstrating, which is the sole guardian of laws and liberty, is but a vain and imaginary right, and can have no necessary effect, I see no slavery equal to yours; and the shadow of liberty is no more with you than a childish and despicable lure, which it is even indecent to offer people of understanding. Of what use then is it to assemble the body of the legislature, when the will of the Council is the only rule of law? Of what use is it to elect magistrates with solemnity, who were before your judges, and who can have no power by that

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that election, which they did not exercise in their former capacity? Resign yourselves at once, with a good grace, and lay aside this childrens play, which, being frivolous, serves but to render you more despicable.

This being the worst state you can arrive at, has still one advantage, that is, its impossibility of changing, but for the better. That is the only consolation in extreme cases; but it is a powerful one, when men of sense and courage feel and know how to make the best of their ill fortune. How resolute should we be, from the certainty of arriving at the worst? But be assured, you will never rise from the abyss into which you are fallen, so long as you are divided, whilst the one part would be willing to act, and the other to sit still.

I am now, Sir, almost come to the conclusion of these Letters; and as I have pointed out to you your present state, I shall not undertake to trace the path you ought to pursue, in order to immerge out of your difficulties. If there be any, you and your fellow citizens are the best judges, as having it immediately before you. When any one knows where he is, and where he should go, he may direct himself without trouble.

It is said by the author of the Letters, *That if a government is observed to have a propensity to violent measures, we should not delay our redress till the tyranny had secured its power* *. He besides supposes a case, which he treats indeed as chimerical, *That one remedy remained, desperate, but legal, which, in case of extremity, might be*

* Page 172.

used, as the band of a surgeon when a gangrene appears *. Whether you are, or are not, in that supposed case, is what I have just now examined. My advice then is become no longer necessary in this point. The author of the Letters has already given it for me. All means of opposing injustice are lawful, when attended with no violence; how much more are those remedies allowable, which the laws permit.

When the laws are transgressed in particular instances, you have the right of remonstrance. But when that very right is contested, it becomes the case of the guaranty. I have not mentioned this as one of the means to give a remonstrance its due efficacy; the Mediators themselves did not think proper to do it, as they declared, they would offer no violence to the independence of the state; and at the same time, if I may use the expression, they put the key of the government in their pockets †. So that in that particular case, the effect of remonstrances being rejected, is to assemble a general Council: But the effect of the right of remonstrating being rejected, seems to be a re-

* Page 101.

† The consequence of such a system would have been, to establish a Tribunal of the Mediation resident at Geneva, to enquire into all transgressions of the laws. This tribunal would have effectually ruined the authority of the Republick, but the liberty of the citizens would have been better secured than it could have been, by taking away the right of remonstrating. Now to be a Sovereign only in name would have been no great matter, but to have liberty in reality is of much importance.

course

course to the guaranty. Every machine should contain in itself the powers to make it work; when it stops, we must employ the workman to renew its motion.

I know very well where that resource leads, and my heart has still been so patriotick as to bewail the consequence. I repeat once more, I propose nothing. What shall I dare say? Consult your fellow-citizens, and before you reckon votes, weigh them well. Always distrust the impetuosity of youth, the insolence of the rich, and the venality and corruption of the poor; no wholesome advice can ever proceed from that quarter. Consult those, whom an honest mediocrity equally guards from the allurements of ambition or the venality of indigence. Those who are blessed in an honourable old age, with the happiness of a life void of reproach. Those who, by long experience, are well versed in publick affairs; those who, despising the false lustre of ambition, choose no higher rank but that of citizens; lastly, those who, having had no other views but the good of their country and the support of the laws, have justly deserved the esteem of the publick, and the confidence of their equals.

But above all things be united among yourselves. You are undone without remedy, if you continue divided. Why are you so, when so great a general interest naturally unites you? How, in such a critical situation, can the voice of a sordid jealousy, and trifling passions ever be heard? Are they worth enjoying at so dear a price? and must your children, one day,
weep.

weep over their chains, and say, This is the effect of the unhappy dissensions of our fathers ! In a word, you have more need of concord than consultation : the choice you make with respect to your conduct, is not hard to determine. Suppose you should make a bad choice, take it unanimously ; by that means only it will become the best, and you will always do as you should, when you act by one consent. This, Sir, is my advice, and I conclude just as I began. By my obedience to your commands, I have discharged the last duty I owe my country. I now take my farewell of its inhabitants ; they can do me no farther injury, and it is no longer in my power to do them any good.

END of LETTERS from the MOUNTAINS.

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